CITY OF ABILENE

City of Abilene
City Council Agenda

Shane Price, Council Member Bruce Kreitler, Council Member Kyle McAlister, Council Member Robert Hanna, City Manager	Norm Archibald, Mayor	Anthony Williams, Mayor Pro-tem Jay Hardaway, Council Member Steve Savage, Council Member Stanley Smith, City Attorney Danette Dunlap, City Secretary

Notice is hereby given of a meeting of the City Council of City of Abilene to be held on Thursday, August 11, 2016 at 8:30 AM at 555 Walnut Street, for the purpose of considering the following agenda items. All agenda items are subject to action. The City Council reserves the right to meet in a closed session on any agenda item should the need arise and if applicable pursuant to authorization by Title 5, Chapter 551, of the Texas Government Code.

1. CALL TO ORDER

2. INVOCATION

1. Councilman Savage

3. PLEDGE TO THE UNITED STATES FLAG AND THE TEXAS FLAG

4. PRESENTATIONS, RECOGNITIONS, PROCLAMATIONS AND ANNOUCEMENTS

1. Recognition - Abilene/Taylor County Public Health District
2. **Employee Service Award**
   Veronica Diaz Human Resource Generalist I 20 Years

5. MINUTES

1. Approval of the Budget Workshop Minutes from July 26th & 27th and the Regular Council Meeting on July 28th 2016.

6. CONSENT AGENDA

All consent agenda items listed are considered to be routine by the City Council and will be enacted by one motion. There will be no separate discussion of these items unless a Councilmember or Citizen so requests, in which event the item will be removed from the Consent Agenda and considered separately.

1. **Resolution:** Award of Annual Street Services Division Material Requirement. ***(Rice)***
2. **Resolution:** Approving Financing by Newark Higher Education Finance

Corporation for the Benefit of Abilene Christian University. ***(Rains)***

7. REGULAR AGENDA - ORDINANCES AND PUBLIC HEARINGS - RESOLUTIONS

1. **Ordinance & Public Hearing:** *(Final Reading)* **Z-2016-27** A request from Weatherbee Ranch, LLC, agent OPG Autumn Sage Partners, LLC, to rezone property from AO (Agricultural Open Space) to MF (Multi-Family Residential) zoning, being approximately 1.75 acres located on the south side of Autumn Sage Dr west of Rebecca Ln. ***(Schoening)***
2. **Ordinance & Public Hearing:** *(Final Reading)* **Z-2016-28** A request from James Lynn Corbin to rezone property from AO (Agricultural Open Space) to RR-1 (Rural Residential) zoning, located at 5350 Meadow Dr. ***(Schoening)***
3. **Ordinance & Public Hearing:** *(Final Reading)* **Z-2016-29** A request from Scott Family Enterprises, LLC, agent Erik Johnson, to rezone property from HI (Heavy Industrial) to LI (Light Industrial) zoning, located at 709, 717, 727, 733, 741, 749, 757, 765, & 773 S. Treadaway Blvd. ***(Schoening)***
4. **Ordinance & Public Hearing:** *(Final Reading)* **Z-2016-30** A request from Floyd Kaerwer, agent Design Team Plus, LLC, to rezone property from LI (Light Industrial) to MU (Medical Use) zoning, located at 11 & 15 Windmill Cir. ***(Schoening)***
5. **Ordinance & Public Hearing:** *(Final Reading)* **Z-2016-31** A request from Amy L. Sojourner Critz, agent Pam Yungblut, to rezone property from O (Office) to NR (Neighborhood Retail) zoning, located at 3109 & 3117 S. 27th St. ***(Schoening)***
6. **Ordinance & Public Hearing:** *(Final Reading)* **Z-2016-32** A request from G. Laughlin Partners, LP, agent Jacob & Martin, to rezone property from NR (Neighborhood Retail) to PD (Planned Development) zoning, located at 600 N. Pioneer Dr & 600 N. Jefferson Dr. ***(Schoening)***
7. **Resolution**: Authorizing the City Manager to execute an agreement with Parkhill, Smith, & Cooper to provide design services and construction administration services in support of the City of Abilene Fire Station #7 and the City of Abilene Fire Station #3. ***(Bell)***
8. **Resolution** Authorizing the City Manager to Negotiate and Execute an Assignment Contract with the Colorado River Municipal Water District and the West Central Texas Municipal Water District. ***(Taylor)***
9. **Ordinance & Public Hearing** - Final Vote on Revised 2015-16 Budget. ***(Rains)***
10. **Ordinance & Public Hearing:** Proposed 2016 Tax Rate; and setting a public hearing for August 25th 2016. ***(Rains)***
11. **Resolution:** Revising the Schedule of Rates and Charges for Water and Sewer Utility Service. ***(Taylor)***

8. EXECUTIVE SESSION

The City Council of the City of Abilene reserves the right to adjourn into executive session at any time during the course of this meeting to discuss any of the matters listed, as authorized by Texas Government Code Sections

1. 551.071 (Consultation with Attorney)
2. 551.072 (Deliberations about Real Property)
3. 551.073 (Deliberations about Gifts and Donations),
4. 551.074 (Personnel Matters)
5. 551.087 (Business Prospect/Economic Development)
6.. 551.076 (Deliberations about Security Devices)

9. RECONVENE

1. Action if needed from Executive Session

10. REGULAR AGENDA

1. **Resolution:** Appointing members to various boards and commissions per the City Charter. ***(Dunlap)***
    - *MH/MR Board of Trustees - Betty Hardwick Center*

11. ADJOURNMENT

In compliance with the Americans with Disabilities Act, the City of Abilene will provide for reasonable accommodations for persons attending City Council meetings. To better serve you, requests should be received 48 hours prior to the meetings. Please contact Danette Dunlap, City Secretary, at 325-676-6202.

CERTIFICATION

I hereby certify that the above notice of meeting was posted on the bulletin board at the City Hall of the City of Abilene, Texas, on the _____ day of August, 2016, at _____.

_____

Danette Dunlap, City Secretary

EXECUTIVE SESSION
(Consultation with Attorney) Section 551.071
A) Arthur Jefferson Case

The following pending litigation subjects which may be discussed are:

1. City of Abilene, Texas v. Aurora Bumgarner; 104th Judicial District Court, Taylor County, Texas; filed November 17, 2011
2. Chad Carter v. City of Abilene, Texas; Cause No. 10138-D, In the 350th Judicial District Court, Taylor County, Texas, filed June 17, 2014
3. Gary Lee and Marilu Lee Corpian v. City of Abilene, Cause No. 48,766-A in the 42nd District Court, filed August 7, 2014
4. Margarita Mitchell, et al. v. The City of Abilene, et al., filed in the 350th Judicial District Court, Taylor County, Texas, on October 21, 2015
5. Susan Lewis King & Austin King MD vs Ken Paxton, Attorney General of Texas and the City of Abilene. Cause No. D-1-GN-16-001160, filed March 16, 2106.
6. Abilene Matera LLC v. Board of Building Standards for the City of Abilene and City of Abilene, Cause No. 10696-D. March 17, 2016.
7. Ruby Flores and Cory Almanza v. Jesus Verastegui, Alfredo Verastegui, Rosalva Verastegui, and City of Abilene, Cause No. 49368-A, 42nd District Court, Abilene, Taylor County, Texas, filed April 13, 2016
8. E.G., et al. v. Barry Bond, City of Abilene, and Abilene Independent School District, Case 1:16-cv-00068-BL, U.S. District Court, Northern District, Abilene Division, filed

April 28, 2016

9. Gary Corpian and Marilu Lee Corpian v. City of Abilene, Texas, Cause No. 49451-A, In the 42nd Judicial District Court, Taylor County, Texas, filed June 24, 2016

(Personnel) Section 551.074
City Council may consider appointment, employment, reassignment, duties, discipline, or dismissal of public officers or employees, City Manager, City Attorney, Municipal Court Judge, City Secretary, and City Board and Commission Members.

The following Boards and Commissions may be discussed:
Abilene Economic Development Company, Inc.
Abilene Health Facilities Development Corp.
Abilene Higher Education Facilities Corporation
Abilene-Taylor County Events Venue District
Board of Adjustments
Board of Building Standards
Civic Abilene, Inc.
Civil Service Commission
Development Corporation of Abilene, Inc.
Firemen's Pension Fund Board
Friends of Safety City Board
Frontier Texas! Board of Directors
Abilene Housing Authority
Landmarks Commission
Library Board
Mechanical/Plumbing/Electrical & Swimming Pool Board of Appeals
Mental Health-Mental Retardation Board of Trustees
9-1-1 Emergency Communications District Board of Managers
Parks & Recreation Board
Planning and Zoning Commission
Taylor County Appraisal District
West Central Texas Municipal Water District
Tax Increment Reinvestment Zone Board

(**Real Property) Section 551.072**
(Business Prospect/Economic Development) Section 551.087
A) Blue Cross Blue Shield - Texas Enterprise Zone Program

(Deliberations about Gifts and Donations) Section 551.073
(Deliberations about Security Devices) Section 551.076

City Council
Agenda Memo

City Council Meeting Date: 8/11/2016

TO: **Robert Hanna, City Manager**

FROM: **Michael Rice, Director of Public Works**

SUBJECT: **Resolution: Award of Annual Street Services Division Material Requirement.** ***(Rice)***

GENERAL INFORMATION

The City of Abilene Street Services Division is requesting the City Council award bids, by resolution, for materials used in the maintenance and rehabilitation of the street and alley system. Notices were published in the Abilene Reporter News on June 12th and June 19th, and bids were opened on July 7, 2016. The following table lists the individual materials bid, and the staff recommended bidder and unit price bid. In addition, Staff recommends an alternate award of bid for Hot Mix Asphalt, Type D-Delivered be awarded to Vulcan Construction Materials, Abilene Texas, for the unit price of $81.05 per ton. The alternate award would only be used when the primary is not able to provide the product within two days.

SPECIAL CONSIDERATIONS

Legal is investigating the legality of making an an alternate award to Vulcan Construction Materials pursuant to this request for bids. In the event the City is unable to make an alternate award, the alternate award to Vulcan, for Hot Mix Asphalt, Type D-Delivered at the unit price of $81.05, will be removed from the resolution.

FUNDING/FISCAL IMPACT

Funding for the materials is available in the 2016/2017 general operating budget for Street Services.

STAFF RECOMMENDATION

It is recommended that the City Council award, by oral resolution, the bulk materials supply contracts as listed above and recommended by the Street Services Staff, and to authorize the City Manager or his designee to execute all necessary documents related to the contracts.

Item:	Company	Unit Price
Limestone Rock Asphalt, Type CC	Vulcan Const. Materials	$ 78.19/Per Ton
Hot Mix, Type D-Delivered	J.H. Strain & Sons	$ 75.25/Per Ton
Hot Mix, Type D	J.H. Strain & Sons	$ 69.75/Per Ton
A-1 Flex Base-Delivered	J.H. Strain & Sons	$ 12.35/Per Ton
A-1 Flex Base	Vulcan Const. Materials	$ 9.00/Per Ton
Type A, Grade 6 Rock	R.E. Janes Gravel Co.	$ 6.25/ Per Ton
Portland Cement Concrete, Class A, 5-Sack	Ingram Concrete	$ 105.00/Per Cubic Yard
Portland Cement, Type I	Abilene Lumber	$ 10.75/Per Sack

Polymer Modified Crack Sealant	Crafco Texas	$ .45/Per pound
HPPM	Unique Paving Materials	$ 116.00/Per Ton
CBS-1	Envirotex	$ 4.25/Per Gallon

BOARD OR COMMISSION RECOMMENDATION

ATTACHMENTS:

Description	Type
Resolution	Resolution Letter
Materials Tab Sheet	Cover Memo
Presentation	Presentation

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, AWARD, THE BULK MATERIALS SUPPLY CONTRACTS TO VARIOUS BIDDERS AS LISTED BELOW - FUNDS ARE AVAILABLE IN THE 2016-17 GENERAL OPERATING BUDGET

WHEREAS, the City of Abilene Street Services Division is requesting the City Council award bids, for materials used in the maintenance of street and alley system. The City of Abilene duly advertised and gave such notice, as required by law, and bids opened on July 7, 2016; and

WHEREAS, the following table lists the individual materials bid, and the staff recommended bidder and unit price bid:

Limestone Rock Asphalt Type CC	Vulcan Const. Materials	$ 78.19/Per Ton
Hot Mix, Type D-Delivered	J.H. Strain & Sons Inc.	$ 75.25/Per Ton
Hot Mix, Type D	J.H. Strain & Sons Inc.	$ 69.75/Per Ton
A – 1 Flex Base – Delivered	J.H. Strain & Sons Inc.	$ 12.35/Per Ton
A-1 Flex Base	Vulcan Const. Materials	$ 9.00/Per Ton
Type A, Grade 6 Rock	R.E. Janes Gravel Co.	$ 6.25/Per Ton
Portland Cement Concrete	Ingram Concrete	$ 105.00/Cubic Yard
Portland Cement, Type I	Abilene Lumber	$ 10.75/Per Sack
Polymer Modified Crack Sealant	Crafco Texas	$ .45/Per Pound
HPPM	Unique Paving Materials	$ 116.00/Per Ton
CBS-1	Envirotex	$ 4.25/Per Gallon

WHEREAS, staff recommends an alternate supply contract with Vulcan Construction Materials, LP, Abilene TX, for the purchase of Hot Mix Type D – delivered at the price of $81.05 per ton when the primary is not able to provide the same material within two days of notice.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS:

PART 1: That the City Council award the supply contracts as listed in the table above, including the alternate contract, recommended by the Street Service's Staff and to authorize the City Manager or his designee to execute all necessary documents related to the contracts.

PART 2: That this Resolution shall take effect immediately from and after passage.

ADOPTED this 11th day of August, 2016.

ATTEST:

_____ _____

Danette Dunlap, City Secretary Norm Archibald, Mayor

APPROVED:

_____

Stanley Smith, City Attorney

CITY OF ABILENE
PURCHASING DIVISION
TABULATION OF BIDS

DEPARTMENT: STREETS
BID NO.: CB-1659
TIME OF OPENING: 11:00 A.M.
DATE OF OPENING: JULY 7, 2016

VENDOR / ITEM DESCRIPTION	ITEM 1. LIMESTONE ROCK ASPHALT, TYPE CC UNIT/TON	ITEM 2. HOT MIX TYPE D, DELIVERED UNIT/TON	ITEM 3. HOT MIX TYPE D UNIT/TON	ITEM 4. A-1 FLEX BASE, DELIVERED UNIT/TON	ITEM 5. A-1 FLEX BASE UNIT/TON	ITEM 6. TYPE A GRADE 6 ROCK UNIT/TON	ITEM 7. CLASS A PORTLAND CEMENT, 5-SACK UNIT/CY	ITEM 8. PORTLAND CEMENT, TYPE I UNIT/SACK	ITEM 9. POLYMER MODIFIED CRACK SEALANT UNIT/LBS	ITEM 10. HPPM UNIT/TON	ITEM 11. CBS-1 UNIT/GAL
VULCAN CONSTRUCTION MATERIALS, LP ABILENE, TX	78.19	81.05	75.00	14.22	9.00						
J.H. STRAIN & SONS, INC. TYE, TX		75.25	69.75	12.35	10.00						
R.E. JANES GRAVEL COMPANY ABILENE, TX						6.25					
INGRAM CONCRETE, LLC BROWNWOOD, TX							105.00				
ABILENE LUMBER/BMC ABILENE, TX								10.75			
CRAFCO TEXAS, INC. SAN ANTONIO, TX									0.45		
UNIQUE PAVING MATERIALS CLEVELAND, OH										116.00	
ENVIROTX FT. WORTH, TX											4.25

Agenda Item 6.1

Resolution: Award of Annual Street Services Division Material Requirement. ***(Rice)***

Item:	Company	Unit Price
• Limestone Rock Asphalt, Type CC	Vulcan Const. Materials	$ 78.19/Per Ton
• Hot Mix, Type D-Delivered	J.H. Strain & Sons	$ 75.25/Per Ton
* Hot Mix, Type D-Delivered (**Alternate**)	Vulcan Const. Materials	$ 81.05/Per Ton
• Hot Mix, Type D	J.H. Strain & Sons	$ 69.75/Per Ton
• A-1 Flex Base-Delivered	J.H. Strain & Sons	$ 12.35/Per Ton
• A-1 Flex Base	Vulcan Const. Materials	$ 9.00/Per Ton
• Type A, Grade 6 Rock	R.E. Janes Gravel Co.	$ 6.25/ Per Ton
• Portland Cement Concrete, Class A, 5-Sack	Ingram Concrete	$ 105.00/Per Cubic Yard
• Portland Cement, Type I	Abilene Lumber	$ 10.75/Per Sack
• Polymer Modified Crack Sealant	Crafco Texas	$ .45/Per pound
• HPPM	Unique Paving Materials	$ 116.00/Per Ton
• CBS-1	Envirotex	$ 4.25/Per Gallon

* **Alternate** – This contract will only be used when J.H. Strain & Sons are unable to provide Hot Mix, Type D-Delivered within a 2 days notice from the city

City Council
Agenda Memo

City Council Meeting Date: 8/11/2016

TO: **Robert Hanna, City Manager**

FROM: **Mike Rains, Director of Finance**

SUBJECT: **Resolution: Approving Financing by Newark Higher Education Finance Corporation for the Benefit of Abilene Christian University. *(Rains)***

GENERAL INFORMATION

The City has been informed that the Newark Higher Education Finance Corporation created pursuant to Chapter 53A of the Texas Education Code will issue bonds, loans and/or other obligations in the maximum aggregate principal amount of $150,000,000, whereby the proceeds of the Obligations will be loaned to Abilene Christian University for the purpose of (a) refinancing existing debt the proceeds of which were used to finance or refinance all or a portion of the cost of acquisition, construction, renovation and/or equipment of academic and administration buildings, athletic facilities and dormitories (b) financing the costs for the acquisition, construction, renovation and/or equipment of academic and administration buildings, athletic facilities and dormitories

SPECIAL CONSIDERATIONS

Section 147(f) of the Internal Revenue Code of 1986, as amended requires that the issuance of any qualified 501(c)(3) obligations be approved by either the governing body of the City or the chief elected executive officer of the City after a public hearing following reasonable public notice.

ACU held a public hearing on August 4, 2016, to discuss the financing. A copy of the certificate of public hearing was provided to the City. No persons presented comments orally or in writing at the public hearing.

FUNDING/FISCAL IMPACT

The City shall have no liabilities for the payments of the obligations nor shall any of the City's assets be pledged to secure the obligations.

STAFF RECOMMENDATION

Staff recommends that the City Council approve the attached Resolution.

BOARD OR COMMISSION RECOMMENDATION

ATTACHMENTS:

	Description	Type
🗋	Certificate for Resolution/Resolution for ACU Debt	Cover Memo
🗋	Publishers Affidavit	Cover Memo
🗋	Certificate of Public Hearing	Cover Memo
🗋	slide	Cover Memo

CERTIFICATE FOR RESOLUTION

THE STATE OF TEXAS §
COUNTY OF TAYLOR §
CITY OF ABILENE §

We, the undersigned officers of the City of Abilene, Texas (the "*City*"), hereby certify as follows:

1. The City Council of said City convened in regular meeting on August 11, 2016 (the "*Meeting*"), at the designated meeting place, and the roll was called of the duly constituted officers and members of said City Council, to wit:

Norm Archibald	Mayor
Shane Price	Councilmember
Bruce Kreitler	Councilmember
Anthony Williams	Councilmember
Jay Hardaway	Councilmember
Kyle McAlister	Councilmember
Steve Savage	Councilmember

and all of said persons were present, except the following: _____, thus constituting a quorum. Whereupon, among other business, the following was transacted at said Meeting: a written

RESOLUTION RELATING TO A PUBLIC HEARING AND APPROVING FINANCING BY NEWARK HIGHER EDUCATION FINANCE CORPORATION FOR THE BENEFIT OF ABILENE CHRISTIAN UNIVERSITY AND RELATED MATTERS.

(the "*Resolution*") was duly introduced for the consideration of said City Council. It was then duly moved and seconded that said Resolution be adopted and, after due discussion, said motion, carrying with it the adoption of said Resolution, prevailed and carried by the following vote:

AYES: All members of the City Council shown present above voted "Aye," except as provided below:

NAYS: _____

ABSTENTIONS: _____

2. That a true, full and correct copy of the aforesaid Resolution adopted at the Meeting described in the above and foregoing paragraph is attached to and follows this Certificate; that said Resolution has been duly recorded in said City Council's minutes of said Meeting; that the above and foregoing paragraph is a true, full and correct excerpt from said City Council's minutes of said Meeting pertaining to the adoption of said Resolution; that the persons named in the above and foregoing paragraph are the duly chosen, qualified and acting officers and members of said City Council as indicated therein; that each of the officers and members of said City Council was duly and sufficiently notified officially and personally, in advance, of the time, place and purpose of the aforesaid Meeting, and that said Resolution would be introduced and considered for adoption at said Meeting, and each of said officers and members consented, in advance, to the holding of said Meeting for

such purpose, and that said Meeting was open to the public and public notice of the time, place and purpose of said meeting was given, all as required by Chapter 551, Texas Government Code.

3. That the Mayor of said City has approved and hereby approves the aforesaid Resolution; that the Mayor and the City Secretary of said City have duly signed said Resolution; and that the Mayor and the City Secretary of said City hereby declare that their signing of this Certificate shall constitute the signing of the attached and following copy of said Resolution for all purposes.

SIGNED AND SEALED August 11, 2016.

City Secretary

Mayor

(SEAL)

RESOLUTION # _____

RESOLUTION RELATING TO A PUBLIC HEARING AND APPROVING FINANCING BY NEWARK HIGHER EDUCATION FINANCE CORPORATION FOR THE BENEFIT OF ABILENE CHRISTIAN UNIVERSITY AND RELATED MATTERS.

THE STATE OF TEXAS §
COUNTY OF TAYLOR §
CITY OF ABILENE §

WHEREAS, the City of Abilene, Texas (the "*City*") has been informed that the Newark Higher Education Finance Corporation (the "*Corporation*") created pursuant to Chapter 53A of the Texas Education Code ("*State Law*") will issue bonds, loans and/or other obligations (the "*Obligations*") in the maximum aggregate principal amount of $150,000,000, whereby the proceeds of the Obligations will be loaned to Abilene Christian University (the "*Borrower*") for the purpose of financing and refinancing the Project (the "*Financing"*);

WHEREAS, the Corporation is authorized by State Law to provide the Financing for educational and housing facilities by contractual arrangement, and the Obligations issued to the Corporation constitute contractual arrangements in which the Corporation is authorized by State Law to participate in;

WHEREAS, the Obligations are being issued pursuant to a plan of finance for the purpose of (a) refinancing existing debt the proceeds of which were used to finance or refinance all or a portion of the cost of acquisition, construction, renovation and/or equipment of academic and administration buildings, athletic facilities and dormitories including (1) the Bennett Gymnasium, (2) Onstead-Packer Building, (3) the Onstead Science Center, (4) the Hardin Administration Building, (5) the Zona Luce Academic Building, (6) the Halbert-Walling Research Center, (7) the Teague Special Events Center, (8) the Student Recreation and Wellness Center, (9) the Hunter Welcome Center, (10) the Mabee Residence Hall, (11) the Sikes Residence Hall, (12) the Burford Academic Building, (13) the A.B. Barret Residence Hall, (14) the Williams Performing Arts Center; (15) the McKinzie Residence Hall, (16) the Cullen Auditorium, (17) the Nelson Residence Hall, (18) the Smith/Adams Residence Hall, (19) the Edwards Residence Hall, (20) the McDonald Residence Hall, (21) the Morris Residence Hall, (22) the Gardner Residence Hall, (23) the Sewell Theater, (24) the Gibson Health & PE Center, (25) the Zellner Residence Hall, (26) the Foster Science Building, (27) the Don H. Morris Center, (28) the Phillips Education Building, (29) the Brown Library, (30) McGlothlin Campus Center, (31) Money Student Recreation and Wellness Center; (32) the Moody Coliseum, (33) the Sherrod Building, (34) the student housing adjacent to Barret Hall to be called Dillard Hall, (35) Mabee Business Building, and (36) capital improvements to campus facilities including central plant expansion, energy updates, landscaping, street, sidewalks, exterior ornament cornice work, loop chiller and hot water systems, HVAC, ventilation systems, exhaust systems, fire protection, plumbing upgrades, elevator upgrades, roof repairs, carpeting, flooring, parking, sewer repairs and upgrades, vehicle purchases, computer and technology purchases, furniture, and general repairs and maintenance, located on the Borrower's campus at 1600 Campus Court, Abilene, Texas 79699 (the "*Campus*"); (b) financing the costs for the acquisition, construction, renovation and/or equipment of academic and administration buildings, athletic facilities and dormitories including but not limited to (1) Wildcat Stadium and Anthony Field, (2) the Onstead Science Center, (3) the Halbert-Walling Research Center, (4) the Engineering and Physic Lab, (5) Elmer Gray Stadium, and (6) the student housing adjacent to Barret Hall to be called Dillard Hall, all located on the Campus; and (c) paying a portion of the costs of issuance of the Obligations (the "*Project*").

WHEREAS, the Borrower has agreed to make payments in amounts sufficient to pay the payments required to be made under the Obligations (the "*Payments*");

WHEREAS, section 147(f) of the Internal Revenue Code of 1986, as amended (the "*Code*") requires that the issuance of any qualified 501(c)(3) obligations be approved by either the governing body of the City or the chief elected executive officer of the City after a public hearing following reasonable public notice;

WHEREAS, the publication of the Notice of Public Hearing (the "*Public Notice*") is evidenced by a Publisher's Affidavit (a copy of which is attached hereto as Exhibit A);

WHEREAS, attached hereto as Exhibit B is Certificate of Public Hearing regarding the conduct of the Public Hearing;

THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS THAT:

Section 1. The City hereby approves the Financing and the Project solely for the purpose of satisfying the requirements of section 147(f) of the Code; provided that the City shall have no liabilities for the Payments nor shall any of the City's assets be pledged to secure the Payments.

Section 2. This Resolution shall become effective immediately upon its passage.

ADOPTED AND APPROVED on August 11, 2016.

ATTEST:

City Secretary

Mayor

(City Seal)

APPROVED:

City Attorney

EXHIBIT A

PUBLISHER'S AFFIDAVIT

EXHIBIT B

CERTIFICATE OF PUBLIC HEARING

Abilene Reporter-News
PUTTING YOUR WORLD IN YOUR HANDS.

STATE OF TEXAS **AD #1179290**

COUNTY OF GENERAL CIRCULATION IN:
HARRIS COUNTY

DATE 07.13.2016

Before me, the undersigned authority, on this day personally appeared **Lee-Ann Hammit** representing the Abilene Reporter-News being by me duly sworn deposes and says that the following notice(s) published in said newspaper by:

ORRICK, HERRINGTON & SUTCLIFFE, LLP

On the following date THURSDAY, JULY 14, 2016

Lee-Ann Hammit
LEGAL NOTICE CLERK

Subscribed and sworn before me this 14th day of July, 2016 to certify which witness my hand and seal of office.

NOTARY PUBLIC

RHONDA HICKS
Notary Public, State of Texas
NOTARY ID # 13058967-4
My Commission Exp 03-16-20

My Commission Expires: 03/16/20

Abilene Reporter-News

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Date: 07/13/16

Account Number: / 911750

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Contact Name:

Email: hvu@orrick.com

Address: 1300 McKinney Street

Suite 4100, Houston, TX, 77010

Phone: (713) 658-6410 Fax:

> Insertion Information

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Please confirm placement prior to deadline by contacting your account rep at .

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Tag Line: NOTICE OF PUBLIC HEARING NOTICE IS H

Start Date: 07/14/16 Stop Date: 07/14/16

Number of Times: 1 Class: 16250 - Public Notices

Publications: AR-Abilene Reporter-News, AR-Internet - reporternews.com

> Ad Proof

I agree this ad is accurate and as ordered.

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN of a public hearing to be held on behalf of the Newark Education Facilities Corporation (the "Corporation"), a nonprofit corporation created by the City of Newark, Texas pursuant to the Texas Public Facility Corporation Act, Chapter 303, Texas Local Government Code, as amended, on August 4, 2016, at 1:30 p.m., local time, at the Orrick Building, Room 2002, Abilene Christian University, 1600 Campus Court, Abilene, Texas 79601, to provide an opportunity for all persons to be heard with respect to the proposed issuance of bonds, loans or other obligations by the Corporation for the benefit of Abilene Christian University (the "Borrower") in an aggregate principal amount not to exceed $50,000,000 (the "Obligations").

The Obligations are being issued pursuant to a plan of finance that may include, among other things, (a) refinancing existing debt the proceeds of which were used to finance or refinance all or a portion of the cost of acquisition, construction, renovation and/or acquisition of the following: (1) administration buildings, athletic facilities and dormitories owned by the Borrower (collectively, (2) the Crutchfield-Packle Building, (3) the Crutchfield Science Center, (4) the Hardin Administration Building, (5) the Williams Academic Building, (6) the Halbert-Walling Research Center, (7) the Foster Science Center, (8) the Student Recreation and Wellness Center, (9) the Hunter Welcome Center, (10) the Sewell Residence Hall, (11) the Shaw Residence Hall, (12) the Burford Academic Building, (13) the A.B. Barret Hall, (14) the Williams Performing Arts Center, (15) the McKinzie Residence Hall, (16) the Nelson Residence Hall, (17) the Nelson Residence Hall, (18) the Smith/Adams Residence Hall, (19) the Edwards Residence Hall, (20) the Morris Residence Hall, (21) the Morris Residence Hall, (22) the Fouts Residence Hall, (23) the Sewell Theatre, (24) the Gibson Health & PE Center, (25) the Zellner Residence Hall, (26) the Foster Science Center, (27) the Dunn vs. Morris Center, (28) the Phillips Education Building, (29) the Phillips Center, (30) the Moody Performance Center, (31) Money Student Recreation and Wellness Center, (32) the Mundy Coliseum, (33) the Mundy Center, (34) the student housing adjacent to Barret Hall to be called Dillard Hall, (35) Moody Business Building, (36) the Campus improvements to campus facilities including central plant improvements, site utilities, landscaping, street, sidewalks, exterior ornament construction, new chiller and hot water systems, fire protection, mechanical, exhaust systems, fire protection, plumbing upgrades, roofing repairs and replacement, carpeting, flooring, parking, sewer repairs and upgrades, vehicle purchases, computer and technology upgrades, and other capital and general repairs and maintenance, located on the Borrower's campus at 1600 Campus Court, Abilene, Texas 79698 (the "Campus"), (b) financing the costs for the acquisition, construction, renovation and/or equipment of academic and administration buildings, athletic facilities and dormitories, including (1) Wildcat Stadium and Anthony Field, (2) the Crutchfield-Packle Building, (3) the Halbert-Walling Research Center, (4) the Engineering and Physics Lab, (5) Elmer Gray Stadium, and (6) the student housing adjacent to Barret Hall to be called Dillard Hall, all located on the Campus and (c) paying a portion of the costs of issuance of the Obligations. The Project will be owned and operated by the Borrower. The Obligations are not payable out of taxes and are secured by and payable solely from funds provided by the Borrower.

The public hearing will be conducted by the Corporation or his/her designee. All interested persons are invited to attend such public hearing to express their views with respect to the issuance of the above-described project and the Bonds. Any interested person unable to attend the public hearing may submit their views in writing to the President of the Board of Directors of the Corporation c/o Orrick, Herrington & Sutcliffe LLP, Attn: Hoang Vu, 1301 McKinney Street, Suite 5100, Houston, Texas 77010 prior to the date scheduled for the hearing. This notice is published and the hearing is held in satisfaction of the requirements of Section 147(f) of the Internal Revenue Code of 1986, as amended.

Thank you for your business. Our commitment to a quality product includes the advertising in our publications. As such, Gannett reserves the right to categorize, edit and refuse certain classified ads. Your satisfaction is important. If you notice errors in your ad, please notify the classified department immediately so that we can make corrections before the second print date. The number to call is 325-795-2020. Allowance may not be made for errors reported past the second print date. The Abilene Reporter-News may not issue refunds for classified advertising purchased in a package rate; ads purchased on the open rate may be pro-rated for the remaining full days for which the ad did not run.

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN of a public hearing to be held on behalf of the Newark Higher Education Finance Corporation (the "Corporation"), a nonprofit corporation created by the City of Newark, Texas pursuant to Chapter 53 and 53A, Texas Education Code, as amended, on August 4, 2016, at 1:30 p.m., at the Hardin Administration Building, Room 208G, Abilene Christian University, 1600 Campus Court, Abilene, Texas 79601, to provide an opportunity for all interested persons to be heard with respect to the proposed issuance of bonds, loans or other obligations for the benefit of Abilene Christian University (the "Borrower") in an aggregate principal amount not to exceed $150,000,000 (the "Obligations").

The Obligations are being made pursuant to a plan of finance for the following purposes: (a) refinancing existing debt the proceeds of which were used to finance or refinance all or a portion of the cost of acquisition, construction, renovation and/or equipment of academic and administration buildings, athletic facilities and dormitories including (1) the Bennett Gymnasium, (2) Onstead-Packer Building, (3) the Onstead Science Center, (4) the Hardin Administration Building, (5) the Zona Luce Academic Building, (6) the Halbert-Walling Research Center, (7) the Teague Special Events Center, (8) the Student Recreation and Wellness Center, (9) the Hunter Welcome Center, (10) the Mabee Residence Hall, (11) the Sikes Residence Hall, (12) the Burford Academic Building, (13) the A.B. Barret Residence Hall, (14) the Williams Performing Arts Center; (15) the McKinzie Residence Hall, (16) the Cullen Auditorium, (17) the Nelson Residence Hall, (18) the Smith/Adams Residence Hall, (19) the Edwards Residence Hall, (20) the McDonald Residence Hall, (21) the Morris Residence Hall, (22) the Gardner Residence Hall, (23) the Sewell Theater, (24) the Gibson Health & PE Center, (25) the Zellner Residence Hall, (26) the Foster Science Building, (27) the Don H. Morris Center, (28) the Phillips Education Building, (29) the Brown Library, (30) McGlothlin Campus Center, (31) Money Student Recreation and Wellness Center; (32) the Moody Coliseum, (33) the Sherrod Building, (34) the student housing adjacent to Barret Hall to be called Dillard Hall, (35) Mabee Business Building, and (36) capital improvements to campus facilities including central plant expansion, energy updates, landscaping, street, sidewalks, exterior ornament cornice work, loop chiller and hot water systems, HVAC, ventilation systems, exhaust systems, fire protection, plumbing upgrades, elevator upgrades, roof repairs, carpeting, flooring, parking, sewer repairs and upgrades, vehicle purchases, computer and technology purchases, furniture, and general repairs and maintenance, located on the Borrower's campus at 1600 Campus Court, Abilene, Texas 79699 (the "Campus"); (b) financing the costs for the acquisition, construction, renovation and/or equipment of academic and administration buildings, athletic facilities and dormitories including but not limited to (1) Wildcat Stadium and Anthony Field, (2) the Onstead Science Center, (3) the Halbert-Walling Research Center, (4) the Engineering and Physic Lab, (5) Elmer Gray Stadium, and (6) the student housing adjacent to Barret Hall to be called Dillard Hall, all located on the Campus (collectively, the "Project"); and (c) paying a portion of the costs of issuance of the Obligations. The Project will be owned and operated by the Borrower. The Obligations are not payable out of taxes and are secured by and payable solely from funds provided by the Borrower.

The public hearing will be conducted by Katie Longley or her designee. All interested persons are invited to attend such public hearing to express their views with respect to the above-described project and the Bonds. Any interested persons unable to attend the hearing may submit their views in writing to the President of the Board of Directors of the Corporation c/o Orrick, Herrington & Sutcliffe LLP, Attn: Hoang Vu, 1301 McKinney Street, Suite 4100, Houston, Texas 77010, prior to the date scheduled for the hearing. This notice is published and the hearing is held in satisfaction of the requirements of Section 147(f) of the Internal Revenue Code of 1986, as amended.

Public Notices

CLICK Here

CERTIFICATE OF PUBLIC HEARING

I, the undersigned, hereby certify in connection with the issuance of bonds, loans or other obligations (the "*Obligations*") by the Newark Higher Education Finance Corporation (the "*Corporation*"), in the maximum aggregate amount of $150,000,000, as follows:

1. I served as Hearing Officer for the Corporation for the purpose of conducting a public hearing on the issuance of the Obligations and the proceeds thereof for the following purposes of: (a) refinancing existing debt the proceeds of which were used to finance or refinance all or a portion of the cost of acquisition, construction, renovation and/or equipment of academic and administration buildings, athletic facilities and dormitories including (i) the Bennett Gymnasium, (ii) Onstead-Packer Biblical Studies Building, (iii) the Onstead Science Center, (iv) the Hardin Administration Building, (v) the Zona Luce Academic Building, (vii) the Halbert-Walling Research Center, (viii) the Teague Special Events Center, (ix) the Student Recreation and Wellness Center, (x) the Hunter Welcome Center, (xi) the Mabee Residence Hall, (xii) the Sikes Residence Hall, (xiii) the Burford Academic Building, (xiv) the A.B. Barret Residence Hall, (xv) the Williams Performing Arts Center; (xvi) the McKinzie Residence Hall, (xvii) the Cullen Auditorium, (xviii) the Nelson Residence Hall, (xix) the Smith/Adams Residence Hall, (xx) the Edwards Residence Hall, (xxi) the McDonald Residence Hall, (xxii) the Morris Residence Hall, (xxiii) the Gardner Residence Hall, (xxiv) the Sewell Theater, (xxv) the Gibson Health & PE Center, (xxvi) the Zellner Residence Hall, (xxvii) the Foster Science Building, (xxviii) the Don H. Morris Center, (xxix) the Phillips Education Building, (xxx) the Brown Library, (xxxi) McGlothlin Campus Center, (xxxii) Money Student Recreation and Wellness Center; (xxxiii) the Moody Coliseum, (xxxiv) the Sherrod Building, (xxxv) the student housing adjacent to Barret Hall to be called Dillard Hall, (xxxvi) Mabee Business Building, and (xxxvii) capital improvements to campus facilities including central plant expansion, trace energy updates, landscaping, street, sidewalks, exterior ornament cornice work, loop chiller and hot water systems, HVAC, ventilation systems, exhaust systems, fire protection, plumbing upgrades, elevator upgrades, roof repairs, carpeting, flooring, parking, sewer repairs and upgrades, vehicle purchases, computer and technology purchases, furniture, library book purchases, general repairs and maintenance, located on the Borrower's campus at 1600 Campus Court, Abilene, Texas 79699 (the "Campus"); (b) financing the costs for the acquisition, construction, renovation and/or equipment of academic and administration buildings, athletic facilities and dormitories including but not limited to (i) Wildcat Stadium and Anthony Field, (ii) the Onstead Science Center, (iii) the Halbert-Walling Research Center, (iv) the Engineering and Physic Lab, (v) a new track and soccer stadium, (vi) the student housing adjacent to Barret Hall to be called Dillard Hall, (vii) [swap termination payments], (viii) capital improvements related to the strategic initiatives plan, all located on the Campus; and (c) paying a portion of the costs of issuance of the Obligations (the "Project").

2. Such hearing was conducted commencing at 1:30 p.m. on August 4, 2016 at the Hardin Administration Building, Room 208G, Abilene Christian University, 1600 Campus Court, Abilene, Texas 79601, which building and office was open to the public for purposes of the hearing.

3. At the time for the commencement of the hearing, comments, either orally or in writing, were publicly requested on the Project to be financed with proceeds of the Obligations and on the issuance of the Obligations.

4. At the hearing,

[✓] no persons presented comments orally or in writing.

[ ] the comments summarized in Exhibit B-1 were made orally by the persons listed therein.

[ ] the written comments attached hereto were presented.

5. No time limitations were imposed on any public comments.

IN WITNESS WHEREOF, I have hereunto set my hand this August 4, 2016.

Katie Fogley
Hearing Officer

Agenda Item 6.2

Resolution: Approving Financing by Newark Higher Education Finance Corporation for the Benefit of Abilene Christian University. ***(Rains)***

City Council
Agenda Memo

City Council Meeting Date: 8/11/2016

TO: **Robert Hanna, City Manager**

FROM: **Dana Schoening, Director Planning & Development Services**

SUBJECT: **Ordinance & Public Hearing: *(Final Reading)* Z-2016-27 A request from Weatherbee Ranch, LLC, agent OPG Autumn Sage Partners, LLC, to rezone property from AO (Agricultural Open Space) to MF (Multi-Family Residential) zoning, being approximately 1.75 acres located on the south side of Autumn Sage Dr west of Rebecca Ln. *(Schoening)***

GENERAL INFORMATION

Currently the property is undeveloped. The adjacent properties are undeveloped and primarily used for agricultural purposes. The Quail Hollow apartment complex is located northeast from this site across Rebecca Ln. The applicant is proposing to develop a tax-credit apartment project that is intended to be age restricted for seniors. Due to its location just off of Rebecca Ln, the site will have adequate access.

The Future Land Use section of the Comprehensive Plan designates this general area as 'low density residential'. Autumn Sage Ln is designated as a 'collector' roadway and connects Hwy 277 S. to the west with Rebecca Ln to the east. The intersection of Hwy 277 S. and Rebecca Ln is a grade-separated interchange which has some retail & service development. The location just off Rebecca Ln and its proximity to the intersection lends itself to future multi-family, office & retail uses. The requested zoning is deemed compatible with the Future Land Use Map and the adjacent properties.

As reflected on the attached staff report, the public notification extended beyond the actual requested area for rezoning of property. The maps associated with the public notification area and existing zoning maps reflect an area of 152.24 acres, whereas the aerial maps reflect a 1.75 acres area constituting the actual requested area for rezoning. The Ordinance Exhibit as attached also reflect the 1.75 acres requested for rezoning.

SPECIAL CONSIDERATIONS

FUNDING/FISCAL IMPACT

STAFF RECOMMENDATION

Staff recommends approval as requested.

BOARD OR COMMISSION RECOMMENDATION

The Planning and Zoning Commission recommends approval by a vote of four (4) in favor (Bixby, Dunnahoo, Rosenbaum, & Famble) and none opposed.

ATTACHMENTS:

Description	Type
Ordinance Cover	Ordinance
Ordinance Exhibit	Exhibit
Staff Report With Maps	Exhibit
PowerPoint	Presentation

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF ABILENE, TEXAS, AMENDING CHAPTER 23, "LAND DEVELOPMENT CODE," OF THE ABILENE MUNICIPAL CODE, BY CHANGING THE ZONING DISTRICT BOUNDARIES AFFECTING CERTAIN PROPERTIES; CALLING A PUBLIC HEARING; PROVIDING A PENALTY AND AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS:

PART 1: That Chapter 23, part known as the Land Development Code of the City of Abilene, is hereby amended by changing the zoning district boundaries as set out in Exhibit "A," attached hereto and made a part of this ordinance for all purposes.

PART 2: That any person, firm or corporation violating any of the provisions of this chapter shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not more than Five Hundred Dollars ($500.00). Each day such violation shall continue or be permitted to continue, shall be deemed a separate offense.

PART 3: That the Planning Director be, and is hereby authorized and directed to change the official Zoning Map of the City of Abilene to correctly reflect the amendments thereto.

PASSED ON FIRST READING this 28th day of July, A.D. 2016.

A notice of the time and place, where and when said ordinance would be given a public hearing and considered for final passage, was published in the Abilene Reporter-News, a daily newspaper of general circulation in the City of Abilene, said publication being on the 17th day of June, 2016, the same being more than fifteen (15) days prior to a public hearing to be held in the Council Chamber of the City Hall in Abilene, Texas, at 8:30 a.m., on the 11th day of August, 2016 to permit the public to be heard prior to final consideration of this ordinance. Said ordinance, being a penal ordinance, becomes effective ten (10) days after its publication in the newspaper, as provided by Section 19 of the Charter of the City of Abilene.

PASSED ON SECOND AND FINAL READING THIS 11th day of August, A.D. 2016.

ATTEST:

_____
CITY SECRETARY

_____
MAYOR

APPROVED:

_____
CITY ATTORNEY

ORDINANCE NO. _____

EXHIBIT "A"

Rezone property from AO (Agricultural Open Space) to MF (Multi-Family Residential) zoning.

Legal Description:

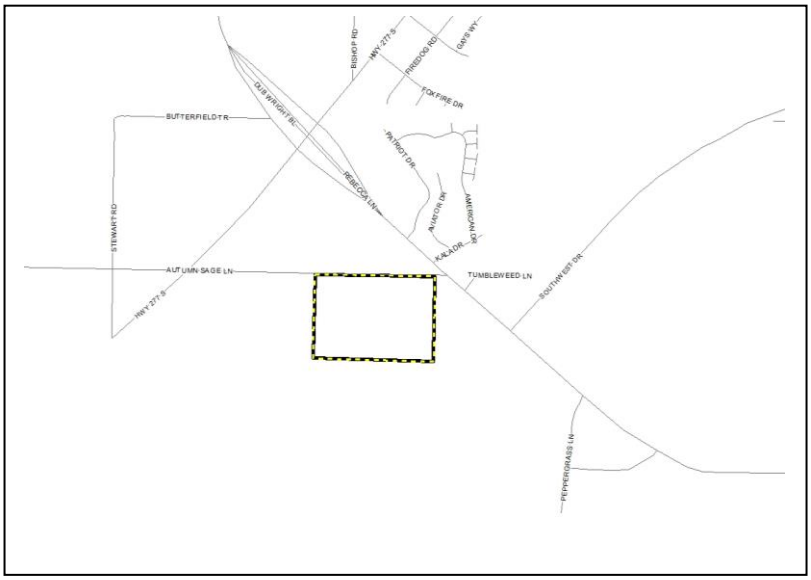
BEING ±1.75 ACRES OUT OF A0241 SUR 46 WILLIAM SCALLORN ACRES 152.24

Location:
Being ±1.75 acres located on the south side of Autumn Sage Dr west of Rebecca Ln

-END-

ZONING CASE Z-2016-27
STAFF REPORT

APPLICANT INFORMATION:
Weatherbee Ranch, LLC
Agent: OPG Autumn Sage Partners, LLC



HEARING DATES:
P & Z Commission: July 5, 2016
City Council 1st Reading: July 28, 2016
City Council 2nd Reading: August 11, 2016

LOCATION:
Being ±1.75 acres located on the south side of Autumn Sage Dr west of Rebecca Ln

REQUESTED ACTION:
Rezone property from AO (Agricultural Open Space) to MF (Multi-Family Residential) zoning

SITE CHARACTERISTICS:
The subject parcel totals approximately 1.75 acres and is currently zoned AO. It is undeveloped and proposed to be a tax-credit apartment project. The adjacent properties are zoned GR (General Retail) to the north, and AO to the south, west, & east. The Quail Hollow apartment complex exists to the northeast across Rebecca Ln with a mix of O (Office), NR (Neighborhood Retail), GC (General Commercial), & MF zoning.

ZONING HISTORY:
The property was annexed in 1986 and zoned AO at that time.

ANALYSIS:
- Current Planning Analysis
  Currently the property is undeveloped. The adjacent properties are undeveloped and primarily used for agricultural purposes. The Quail Hollow apartment complex is located northeast from this site across Rebecca Ln. The applicant is proposing to develop a tax-credit apartment project that is intended to be age restricted for seniors. Due to its location just off of Rebecca Ln, the site will have adequate access.

- Comprehensive Planning Analysis
  The Future Land Use section of the Comprehensive Plan designates this general area as 'low density residential'. Autumn Sage Ln is designated as a 'collector' roadway and connects Hwy 277 S. to the west with Rebecca Ln to the east. The intersection of Hwy 277 S. and Rebecca Ln is a grade-separated interchange which has some retail & service development. The location just off Rebecca Ln and its proximity to the intersection lends itself to future multi-family, office & retail uses. The requested zoning is deemed compatible with the Future Land Use Map and the adjacent properties.

PLANNING STAFF RECOMMENDATION:
Staff recommends approval as requested.

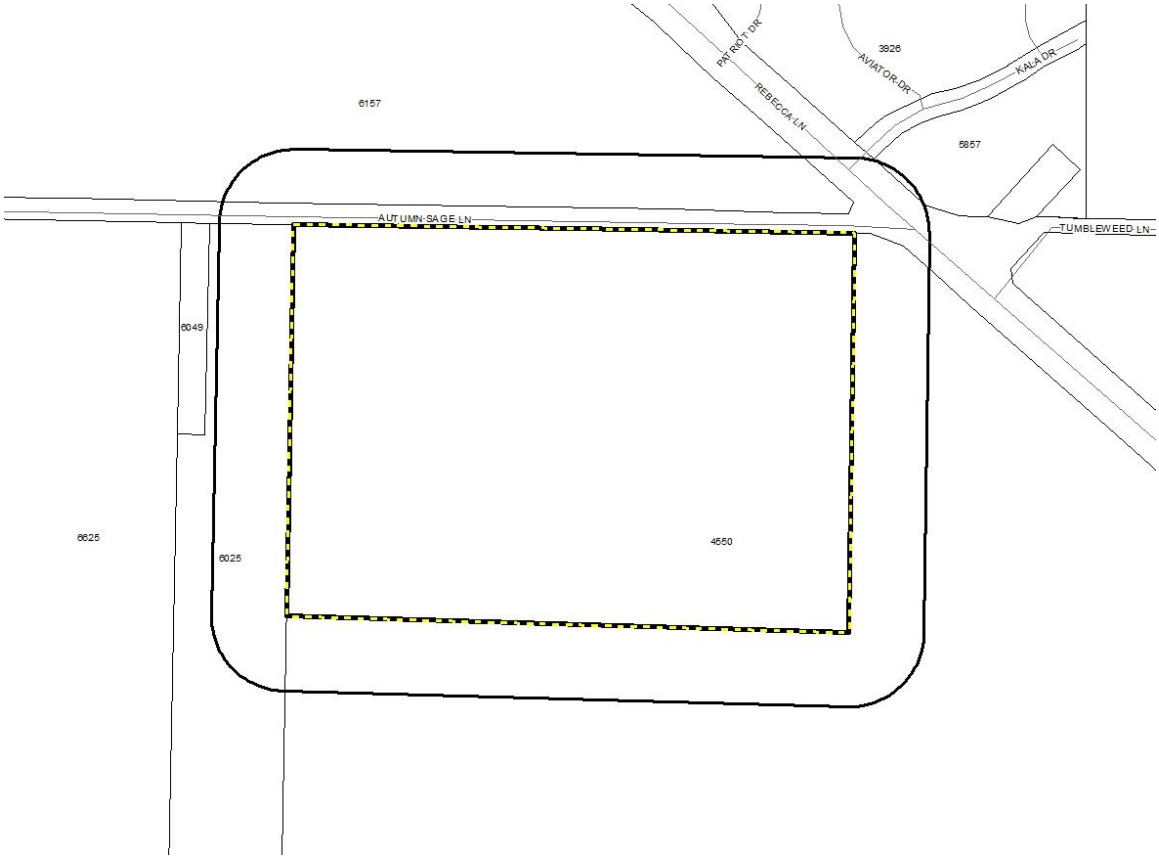
PLANNING AND ZONING COMMISSION RECOMMENDATION:
The Planning and Zoning Commission recommends approval by a vote of four (4) in favor (Bixby, Dunnahoo, Rosenbaum, & Famble) and none opposed.

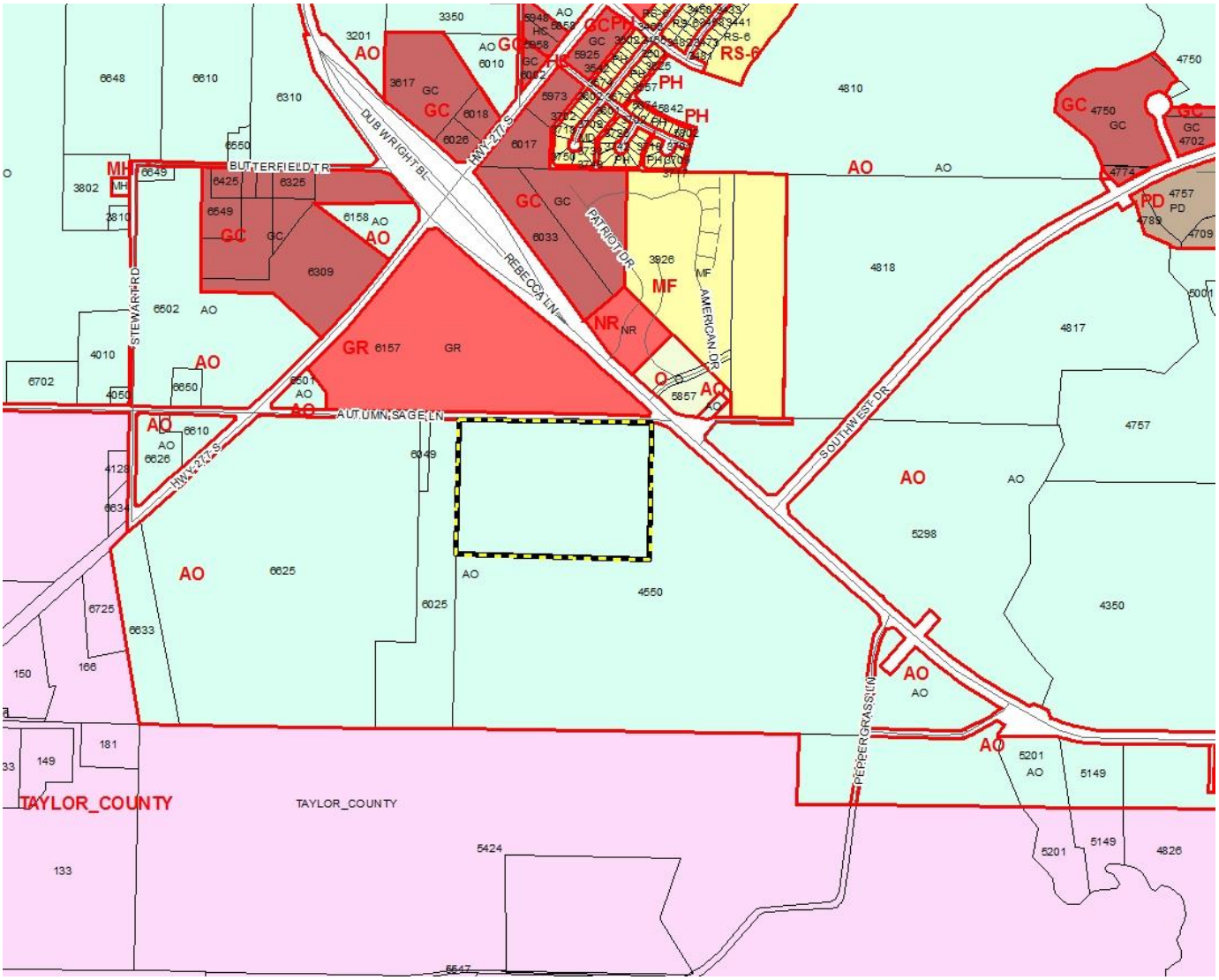
NOTIFICATION:
Property owners within a 200-foot radius were notified of the request.

OWNER	ADDRESS	RESPONSE
TX 360 SENIOR HOUSING GP LLC	6157 HWY 277 S	
DRUESEDOW BARBARA ANN LF EST	6025 AUTUMN SAGE LN	
WESTERN AH 406 LTD	5857 KALA DR	
WEATHERBEE RANCH LLC	4550 PEPPERGRASS LN	

0 in Favor- **Y**

0 Opposed- **N**

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AMERICAN DR
SOUTHWEST DR
STEWART RD
BUTTERFIELD TR
AUTUMN SAGE LN
PEPPERGRASS LN
TAYLOR_COUNTY

ABBEY RD
BUTTERFIELD TR
DR WRIGHT BL
HWY 281 S
STEWART RD
AUTUMN SAGE LN
AUTUMN SAGE LN
TUMBLEWEED LN
SOUTHWEST DR
REBECCA LN
SPECTRUM LN
SORREL WOOD LN
PEPPERGRASS LL

KALAOR
REBECCA LN
AUTUMN SAGE LN
TUMBLEWEED LN

Z-2016-27

Request: Rezone from AO to MF zoning

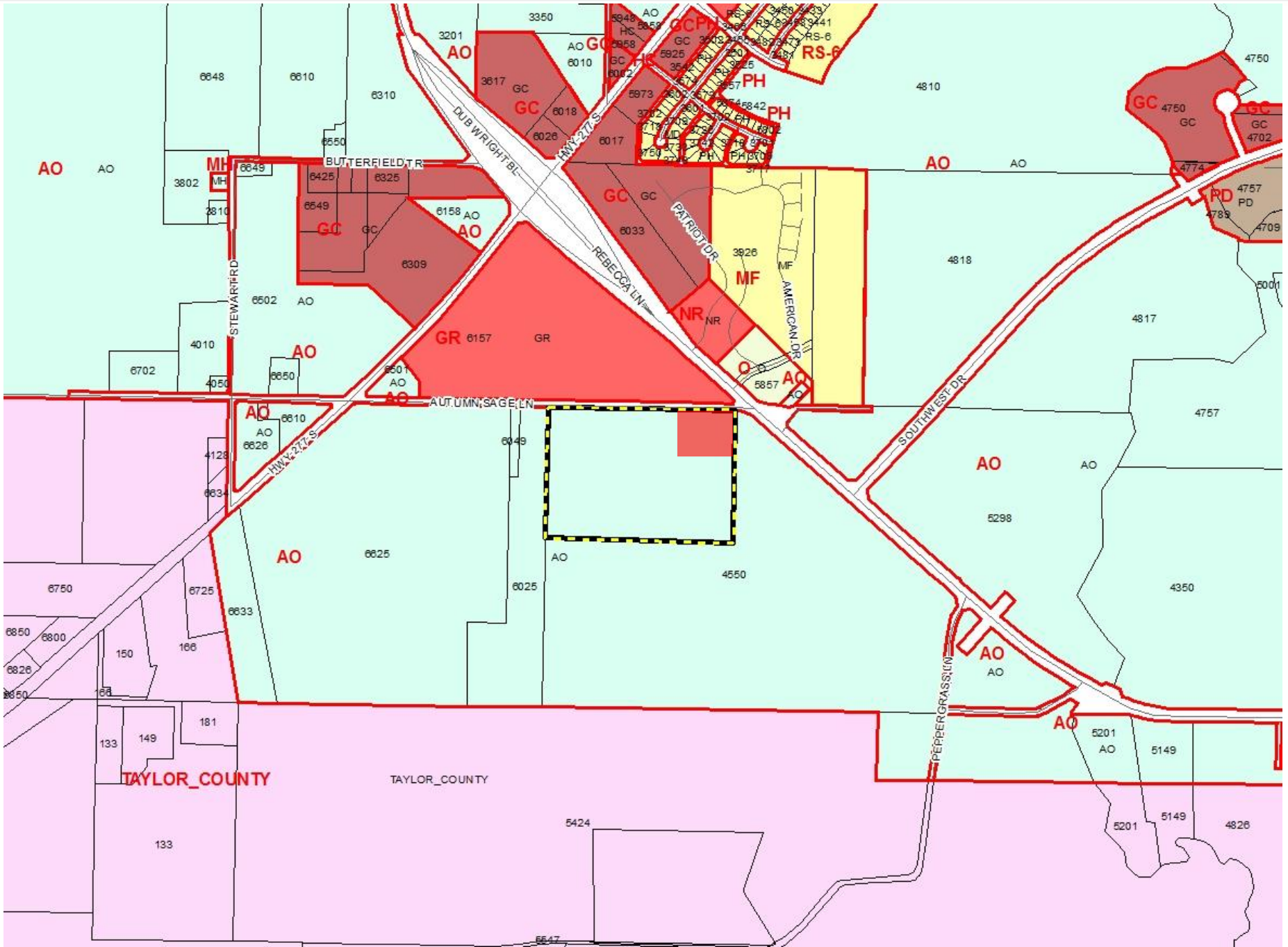
Location: Being ±1.75 acres located on the south side of Autumn Sage Ln west of Rebecca Ln

Notification: 0 in favor; 0 opposed

Staff Recommendation: Approval

P & Z Recommendation: Approval of request (4-0)

Z-2016-27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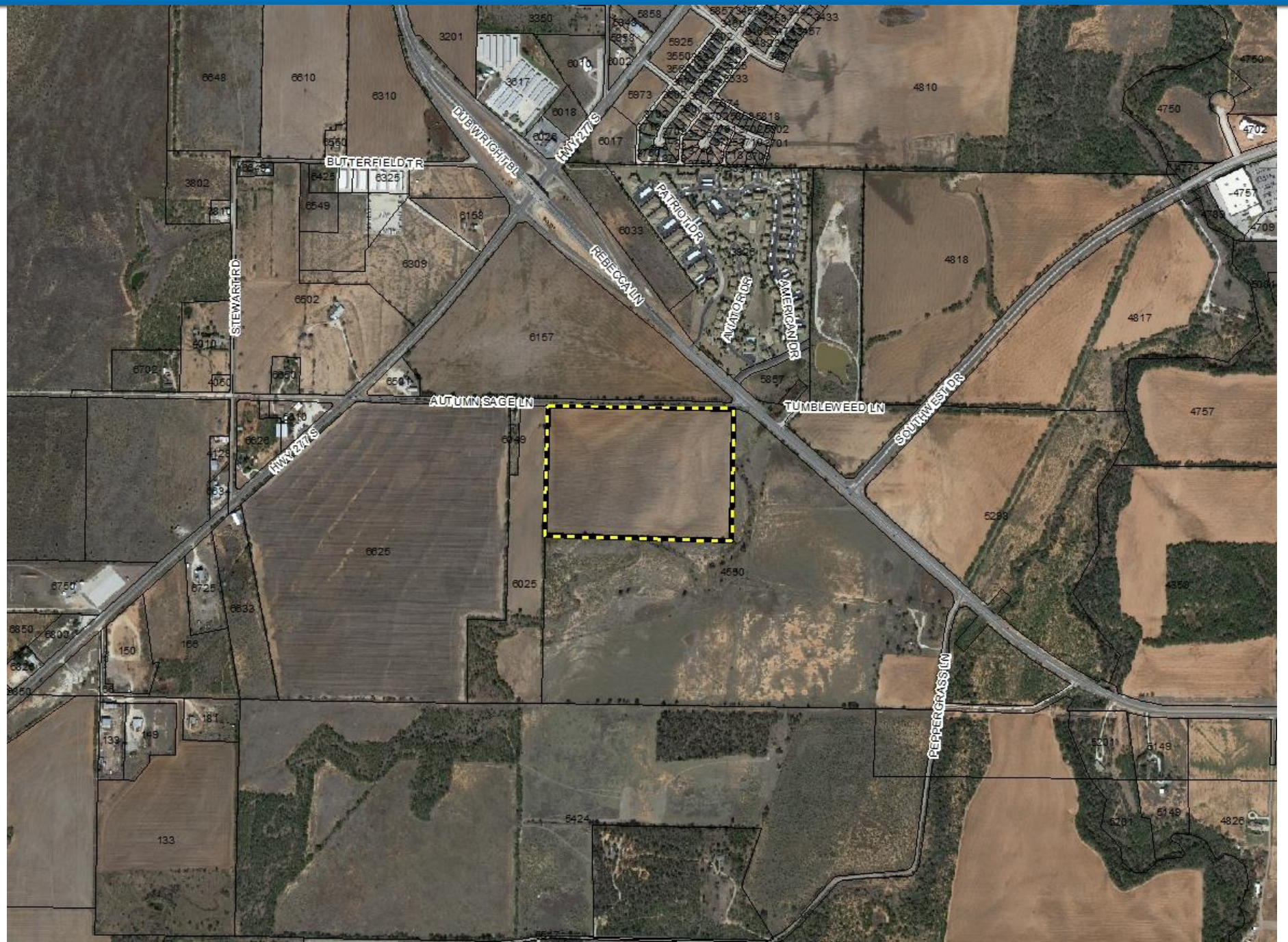
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Z-2016-27

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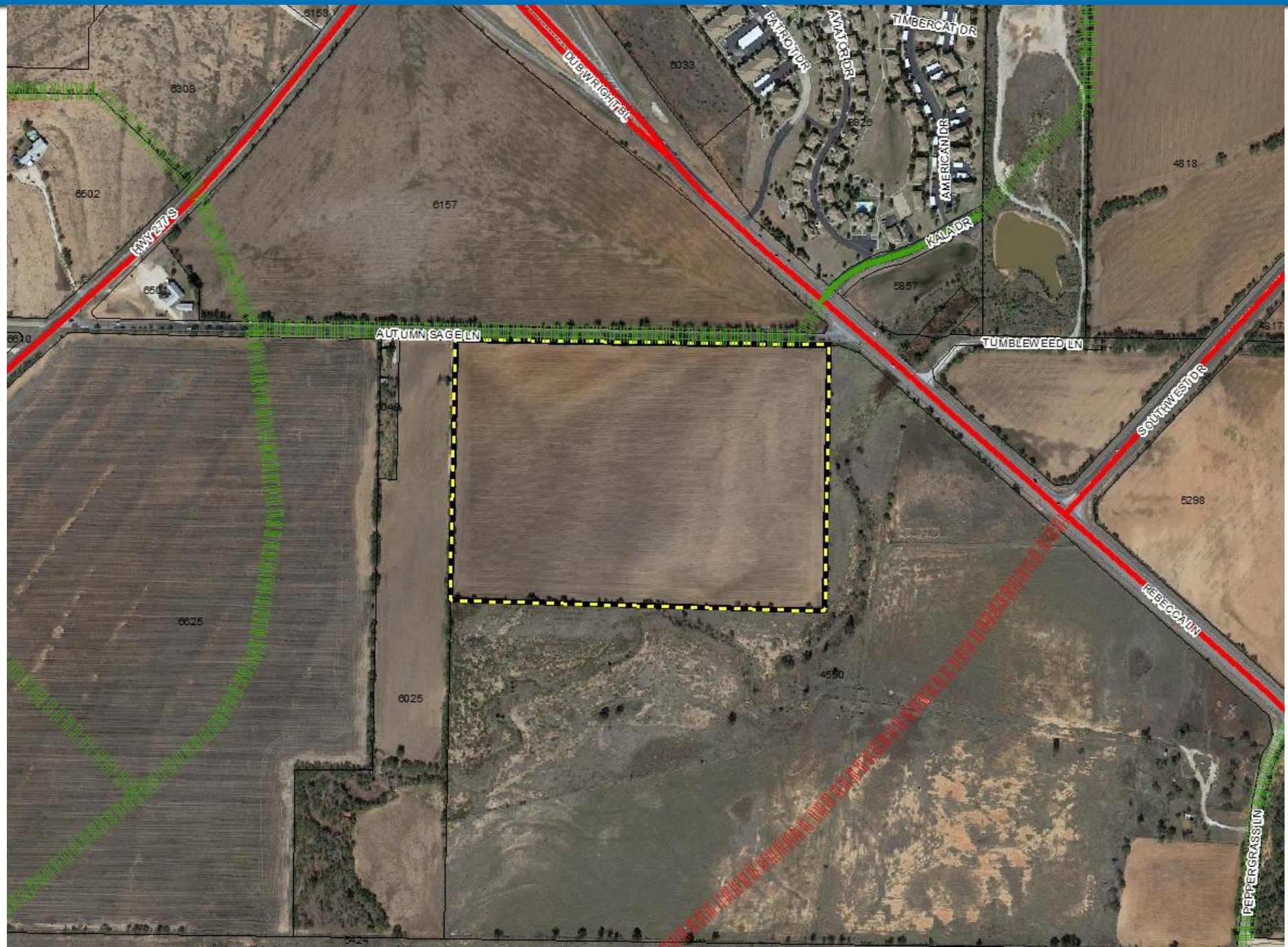
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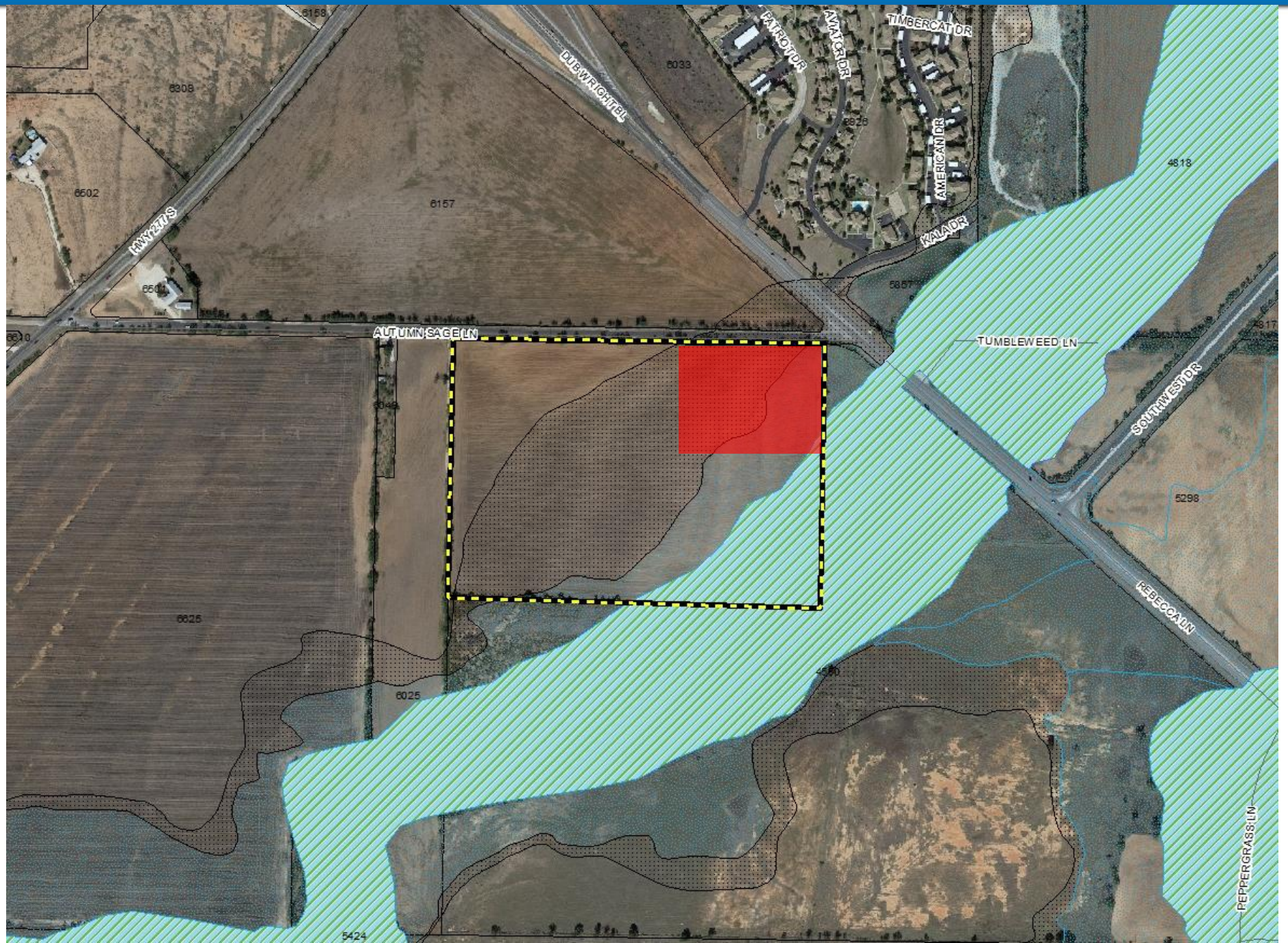
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SOUTHWEST DR
REBECCA LN
PEPPERGRASS LN

View looking south toward subject property

View looking south toward subject property

View looking south toward subject property

View looking southeast toward Rebecca Ln

View looking west along Autumn Sage Dr

View looking east along Autumn Sage Ln

View looking northwest across Autumn Sage Ln.

Permitted Uses in MF Zoning

RESIDENTAL USES:

C	Bed & Breakfast
P	Dwelling – Duplex
P	Dwelling – Industrialized Housing Unit
P	Dwelling – Institutional
P	Dwelling – Multiple-Family
P	Dwelling – Single-Family Detached
C	Group Home

ACCESSORY AND INCIDENTAL USES:

P	Accessory Structure (Also see Division 4 of this article)
P	Antenna, Non-Commercial/Amateur
P	Day Care Operation – Home-Based
TP	Field Office or Construction Office (temporary)
P	Garage Sale
P	Home Occupation
C	Mobile Home (temporary security residence)
P	Recreation Building, Multipurpose
TP	Subdivision Sales Office (temporary)
P	Swimming Pool, Private (accessory to residential use)
P	Tennis Court, Private (accessory to residential use)

CULTURAL AND RECREATIONAL USES:

C	Civic, Social, and Fraternal Organization
P	Recreation – Outdoors (passive)

GOVERNMENT, HEALTH, SAFETY AND WELFARE USES:

P	Community Home
P	Fire/Police Station
C	Homeless/Emergency Shelter
C	Personal Care Facility
C	Rehabilitation Facility
C	Social Service Facility

EDUCATIONAL AND RELIGIOUS USES:

P	Church or Place of Worship
C	Day-Care Operation - Center-Based
P	School: Public/Private

TRANSPORTATION, COMMUNICATION AND UTILITIES:

P	Public Utility Facility

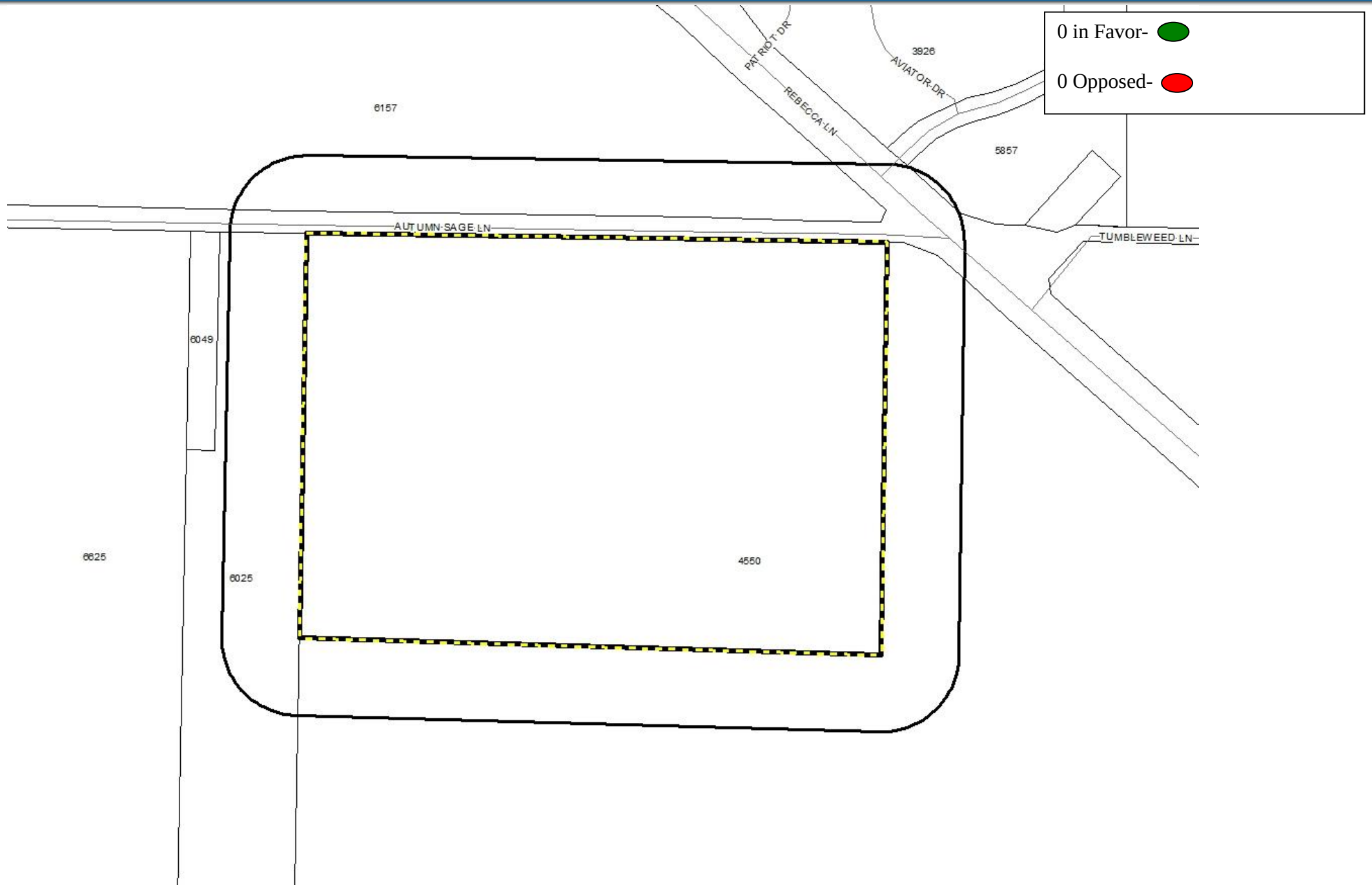
RESOURCE PRODUCTION AND EXTRACTION USES:

P	Petroleum or Gas Well

LEGEND

P	Permitted as a Right-of-Use (may be subject to compliance with conditions described within Section 2.4.3 of the Land Development Code)
C	Permitted as a Conditional Use Permit, Requiring Approval by City Council
TP	Permitted by Temporary Permit Only, Requiring Approval by Board of Adjustment

Z-2016-27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CITY OF ABILENE

City Council
Agenda Memo

City Council Meeting Date: 8/11/2016

TO: **Robert Hanna, City Manager**

FROM: **Dana Schoening, Director Planning & Development Services**

SUBJECT: **Ordinance & Public Hearing: *(Final Reading)* Z-2016-28 A request from James Lynn Corbin to rezone property from AO (Agricultural Open Space) to RR-1 (Rural Residential) zoning, located at 5350 Meadow Dr. *(Schoening)***

GENERAL INFORMATION

Currently the property is developed with a house. The adjacent properties are all developed with single-family homes. The applicant is proposing to subdivide the property to allow for the ability to build another house. It is a corner lot, thus the property will have adequate frontage for a 2nd lot. However, the minimum lot size for the AO zoning is 5-acres requiring the need to rezone. The minimum lot size for the RR-1 district is 1-acre. The purpose of the rural residential zoning is to allow for a single-family residence and the keeping of livestock on a smaller lot than required with the AO zoning. Livestock animals such as horses & cows are permitted at a ratio of 1 animal per ½ acre of land.

The Future Land Use section of the Comprehensive Plan designates this general area as 'low density residential'. The requested zoning is deemed compatible with the Future Land Use Map and the adjacent properties.

SPECIAL CONSIDERATIONS

As provided for in City of Abilene Land Development Code Article 4, Division 1, Section 1.4.1.3(I)(1), when a written protest against the amendment is signed by the owners of twenty percent (20%) or more of either the area of the lots or land covered by the proposed change, or the area of the lots or land immediately adjoining the area covered by the proposed change and extending two hundred feet (200') from that area, a zoning amendment shall not become effective except by the favorable vote of three fourths of all members of the City Council.

Regarding this particular rezoning item, three property owners have opposed the rezoning. Together these property owners constitute 52.8% of the land area within the radius area. The 200' radius area is the legally defined public notification area as provided for in Land Development Code and Texas State Statutes for rezoning applications. Therefore, because opposition is from 20% or more of land area in the public notification area, a super-majority vote of the City Council is required to approve an ordinance for this rezoning item.

For explanation on the 200' radius area constituting the public notification area, the radius begins at the property line of the property proposed for rezoning. The actual property area proposed for rezoning is not included as part of the public notification area. Only the 200' radius area constitutes the public notification area, therefore the portion of the three properties located within the 200' radius area constitutes over 20% of

the total land area that defines the 200’ radius area.

FUNDING/FISCAL IMPACT

STAFF RECOMMENDATION

Staff recommends approval.

BOARD OR COMMISSION RECOMMENDATION

The Planning and Zoning Commission recommends approval by a vote of four (4) in favor (Bixby, Dunnahoo, Rosenbaum, & Famble) and none opposed.

ATTACHMENTS:

Description	Type
Ordinance Cover	Ordinance
Ordinance Exhibit	Ordinance
Staff Report with Maps	Backup Material
Surrounding Property Owner Responses	Backup Material
Response 5317 Meadow dr	Backup Material
PowerPoint	Presentation

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF ABILENE, TEXAS, AMENDING CHAPTER 23, "LAND DEVELOPMENT CODE," OF THE ABILENE MUNICIPAL CODE, BY CHANGING THE ZONING DISTRICT BOUNDARIES AFFECTING CERTAIN PROPERTIES; CALLING A PUBLIC HEARING; PROVIDING A PENALTY AND AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS:

PART 1: That Chapter 23, part known as the Land Development Code of the City of Abilene, is hereby amended by changing the zoning district boundaries as set out in Exhibit "A," attached hereto and made a part of this ordinance for all purposes.

PART 2: That any person, firm or corporation violating any of the provisions of this chapter shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not more than Five Hundred Dollars ($500.00). Each day such violation shall continue or be permitted to continue, shall be deemed a separate offense.

PART 3: That the Planning Director be, and is hereby authorized and directed to change the official Zoning Map of the City of Abilene to correctly reflect the amendments thereto.

PASSED ON FIRST READING this 28th day of July, A.D. 2016.

A notice of the time and place, where and when said ordinance would be given a public hearing and considered for final passage, was published in the Abilene Reporter-News, a daily newspaper of general circulation in the City of Abilene, said publication being on the 17th day of June, 2016, the same being more than fifteen (15) days prior to a public hearing to be held in the Council Chamber of the City Hall in Abilene, Texas, at 8:30 a.m., on the 11th day of August, 2016 to permit the public to be heard prior to final consideration of this ordinance. Said ordinance, being a penal ordinance, becomes effective ten (10) days after its publication in the newspaper, as provided by Section 19 of the Charter of the City of Abilene.

PASSED ON SECOND AND FINAL READING THIS 11th day of August, A.D. 2016.

ATTEST:

_____
CITY SECRETARY

_____
MAYOR

APPROVED:

_____
CITY ATTORNEY

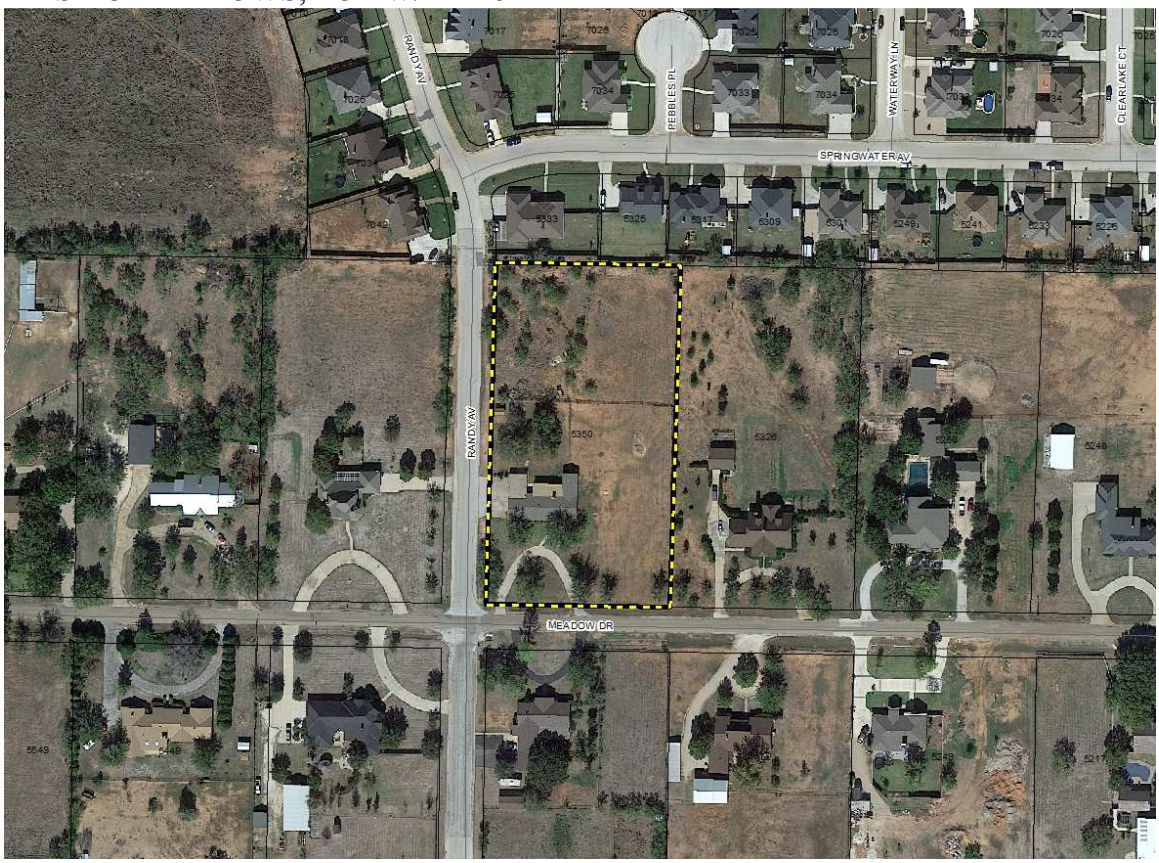
ORDINANCE NO. _____

EXHIBIT "A"

Rezone property from AO (Agricultural Open Space) to RR-1 (Rural Residential) zoning.

Legal Description:

MYSTIC MEADOWS, LOT W/2 LT 5



Location:
5350 Meadow Dr

-END-

ZONING CASE Z-2016-28
STAFF REPORT

APPLICANT INFORMATION:
James Lynn Corbin

HEARING DATES:
P & Z Commission: July 5, 2016
City Council 1st Reading: July 28, 2016
City Council 2nd Reading: August 11, 2016

LOCATION:
5350 Meadow Dr

REQUESTED ACTION:
Rezone property from AO (Agricultural Open Space) to RR-1 (Rural Residential) zoning

SITE CHARACTERISTICS:
The subject parcel totals approximately 2.5 acres and is currently zoned AO. It is developed with a house. The adjacent properties are zoned AO to the south, west, & east and RS-8 (Single-Family Residential) to the north.

ZONING HISTORY:
The property was annexed in 1980 and zoned AO at that time.

ANALYSIS:
- Current Planning Analysis
  Currently the property is developed with a house. The adjacent properties are all developed with single-family homes. The applicant is proposing to subdivide the property to allow for the ability to build another house. It is a corner lot, thus the property will have adequate frontage for a 2nd lot. However, the minimum lot size for the AO zoning is 5-acres requiring the need to rezone. The minimum lot size for the RR-1 district is 1-acre. The purpose of the rural residential zoning is to allow for a single-family residence and the keeping of livestock on a smaller lot than required with the AO zoning. Livestock animals such as horses & cows are permitted at a ratio of 1 animal per ½ acre of land.

- Comprehensive Planning Analysis
  The Future Land Use section of the Comprehensive Plan designates this general area as 'low density residential'. The requested zoning is deemed compatible with the Future Land Use Map and the adjacent properties.

PLANNING STAFF RECOMMENDATION:
Staff recommends approval.

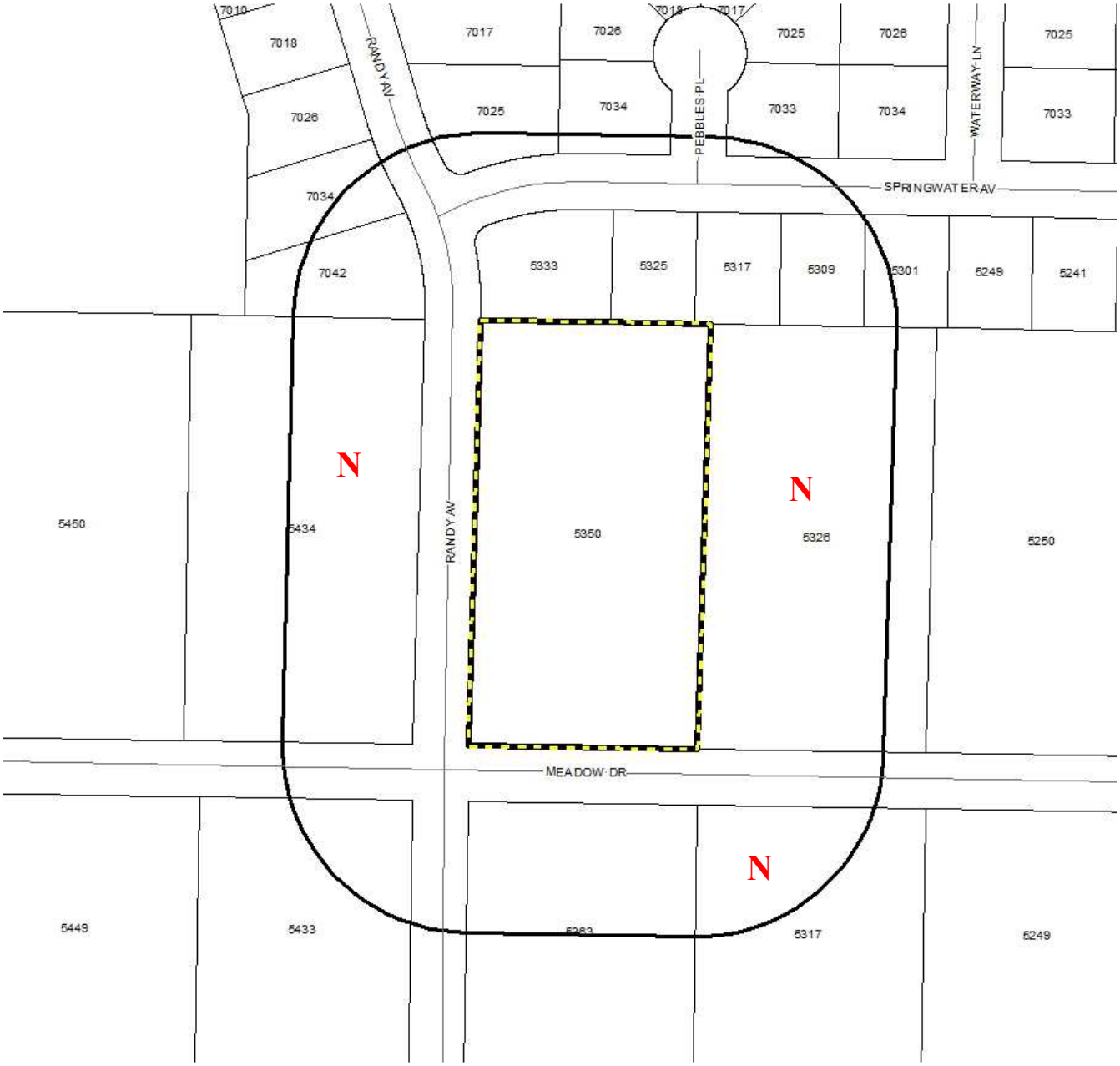
PLANNING AND ZONING COMMISSION RECOMMENDATION:
The Planning and Zoning Commission recommends approval by a vote of four (4) in favor (Bixby, Dunnahoo, Rosenbaum, & Famble) and none opposed.

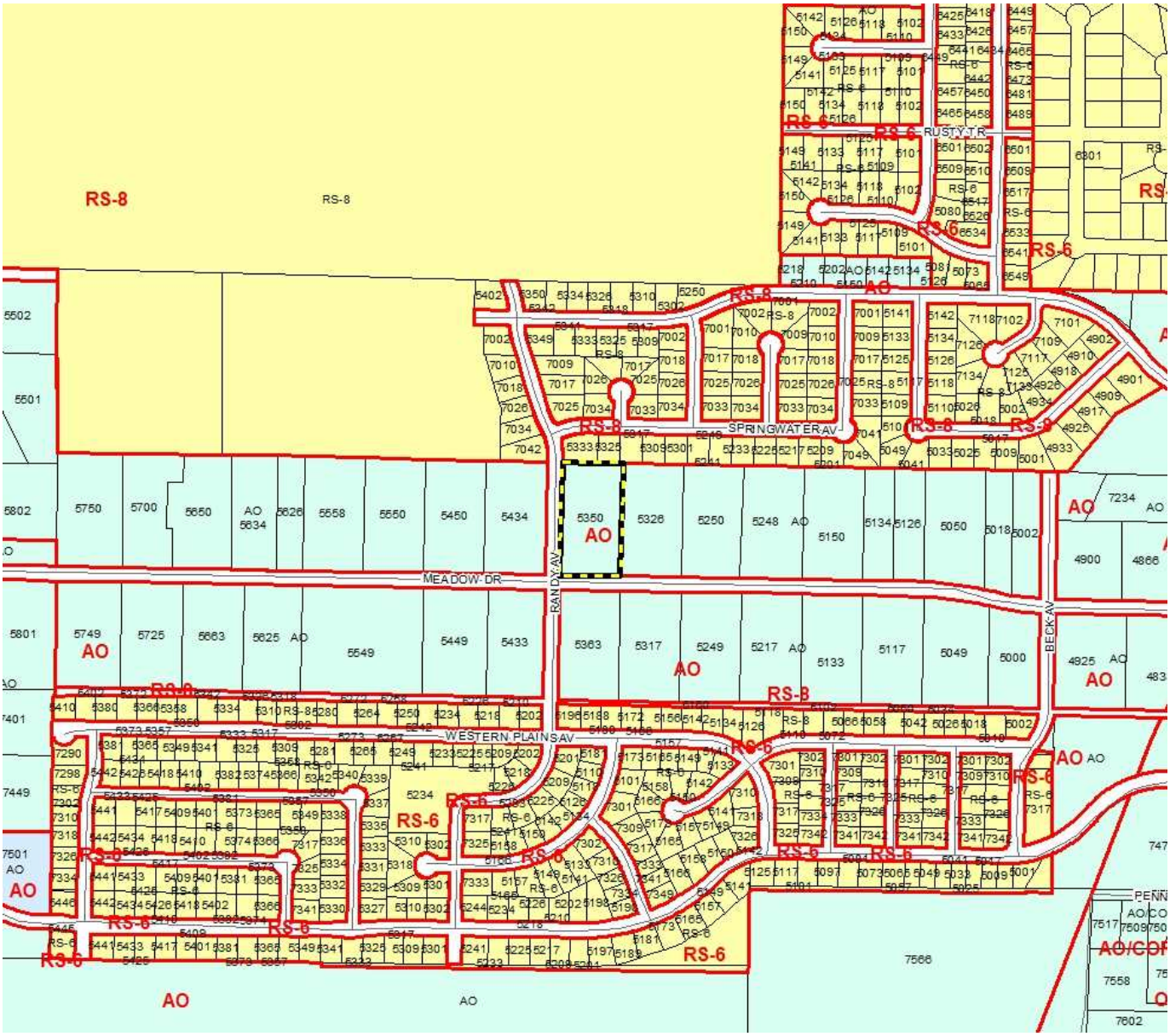
NOTIFICATION:
Property owners within a 200-foot radius were notified of the request.

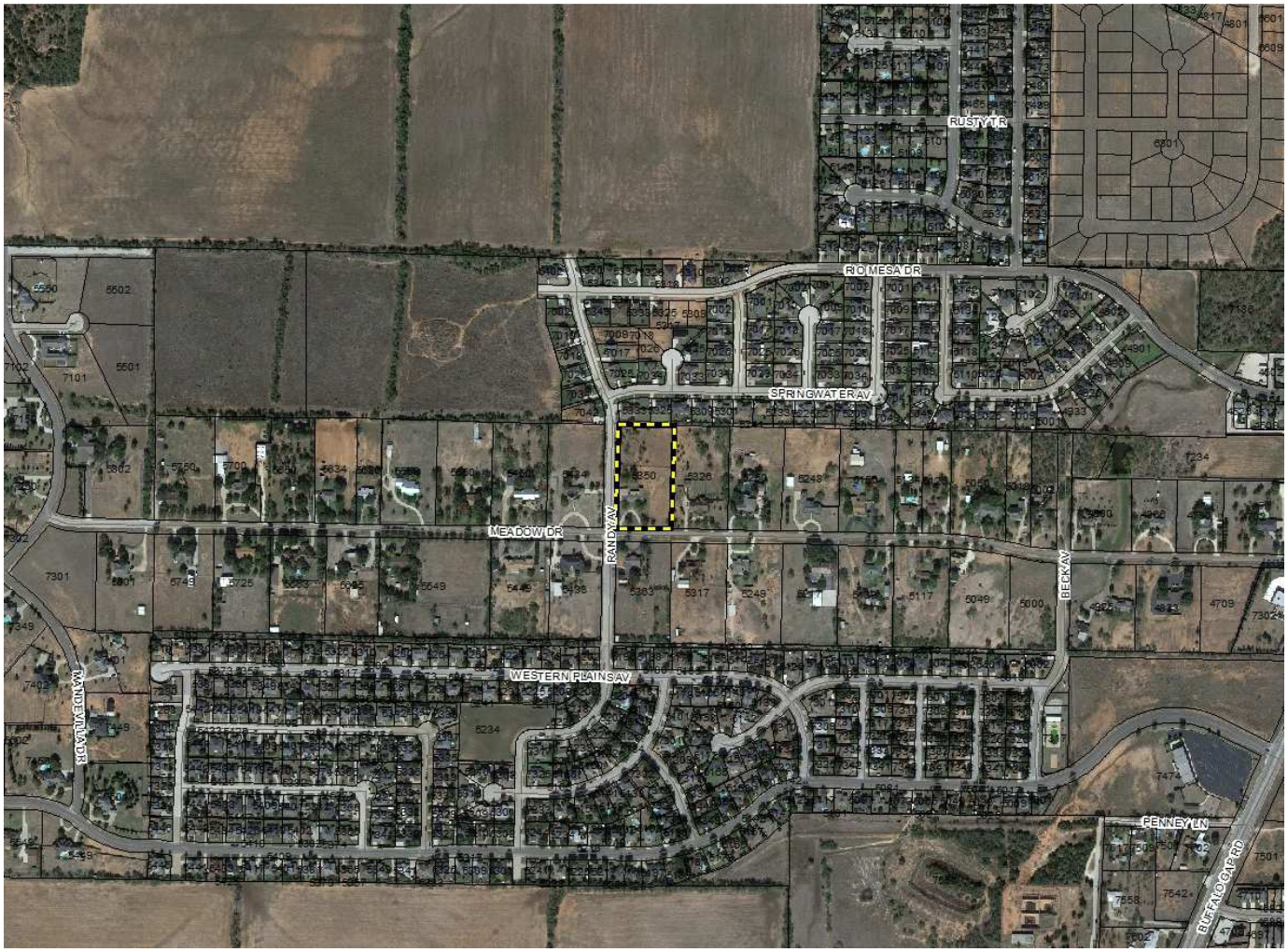
OWNER	ADDRESS	RESPONSE
SCHULLE JARRETT	5317 SPRINGWATER AV	
DORSEY ELANA L	5309 SPRINGWATER AV	
HERNANDEZ ROBERTO & CHRISTY	7034 RANDY AV	
CORBIN JAMES L & LAURIE L	5350 MEADOW DR	
RICH JERAD MICHAEL & KENNI BETH	7034 PEBBLES PL	
PUGSLEY JOHN E & REBECCA J	5333 SPRINGWATER AV	
WEBB GEORGE WALKER & MAMIE F	5433 MEADOW DR	
REGAN KEVIN & DIANA	5326 MEADOW DR	Opposed
GANESH JANET	5434 MEADOW DR	Opposed
CARROLL CLAUDETTE	5317 MEADOW DR	Opposed
SCOTT ROYCE A	5363 MEADOW DR	
BAKER BRIAN J	7033 PEBBLES PL	
GARNER SCOTT & JENNIFER G	7042 RANDY AV	
DEXTER ROBERT D & IRIS J	5301 SPRINGWATER AV	
LEE BILLY & RACHEL	7025 RANDY AVE	
SPEARS KEITH & HEATHER F	5325 SPRINGWATER AV	

0 in Favor- **Y**

3 Opposed- **N**




RS-8
RS-8
RUSTY-TR
SPRINGWATER-AV
MEADOW-DR
RAN DY-AV
BECK-AV
WESTERN PLAINS-AV
AO
RS-6
RS-5
R3-6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RIO MESA DR
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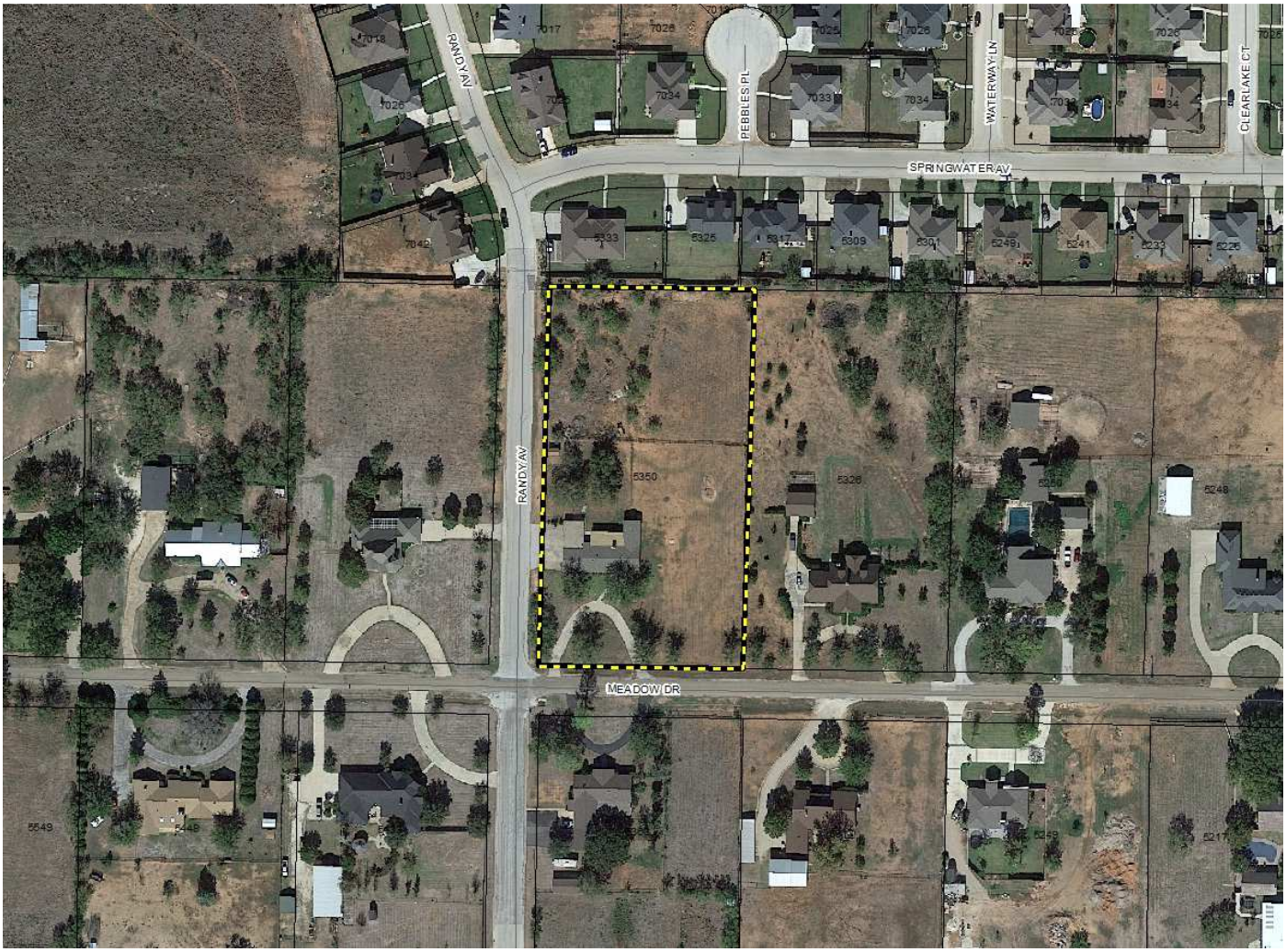
MEADOW DR
RANDY AV
BECK AV
WESTERN PLAINS AV
MANDY VILA DR
PENNEY LN
BUFFALO GAP RD


RANDY AV
PEBBLES PL
WATERWAY LN
CLEARLAKE CT
SPRINGWATER AV
MEADOW DR
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5549

RECEIVED
JUL 05 2016
PLANNING

Re: ***request for re-zoning of AO property located at 5350 Meadow Dr. to RR1 property with hearing Tuesday, July 5, 2016, at 1: 30 PM. at Abilene City Council Chambers***

We are opposed to the re-zoning of the property located at 5350 Meadow Drive from AO to RR1 zoning designation.

Our property at 5326 Meadow Drive, designated AO, adjoins the property at 5350 Meadow Dr. and is directly affected by the request for re-zoning from AO to RR1. Further, the Meadow Drive neighborhood itself is directly affected by the re-zoning request.

If the 5350 Meadow Dr. property is re-zoned to RR1 this will allow, as is proposed by the property owner, the division of current AO property of 2.5 acres into two smaller properties with a maximum of 1.5 acres and a minimum of 1.0 acres each. This division can easily lead to a devaluation of my adjoining property.

This division, further, would materially affect the character of the Meadow Drive neighborhood by introducing substantially smaller RR1 tracts into the Meadow Drive neighborhood which is consistently designated AO with minimal 2.5 acre tracts lending uniformity and appeal to the neighborhood. Meadow Drive has a long history of being a quiet, quasi-rural neighborhood. Indeed, the large lots with acreage are what attracted us to this neighborhood street. Currently, Meadow Dr. is still an island in a sea of subdivision tract homes.

The development over the years of the properties to the north and south of the Meadow Drive properties has introduced markedly increased noise, traffic, and consequent material deterioration of the Meadow Dr. surface with little to no significant repair through the years. The introduction of further property size reduction into this neighborhood through re-zoning will accelerate these and other detrimental effects through an increase in the number of houses and thus the number of households residing immediately within the Meadow Drive neighborhood proper.

Another possibility consequent to the re-zoning of this property could be a subsequently divided RR1 tract from this property being used for a multi-purpose recreational center, which center would be opposed to the Meadow Drive neighborhood character and directly contrary to the interests of the owners of property located along Meadow Drive.

Please seriously consider these issues involved in the request for re-zoning of 5350 Meadow Drive AO property to RR1 property. For the above reasons we are opposed to the re-zoning of the property located at 5350 Meadow Drive from AO to RR1 zoning designation.

Kevin Regan
Diana Regan

Kevin and Diana Regan

Janet Ganesh
5434 Meadow Dr
Abilene TX 79606

Comments:
My concern is that in changing the property at 5350 Meadow Dr from AO to RR-1 would affect the integrity of the neighborhood in a negative way. I do not want to see that property changed to several small patio homes, or even changed to commercial property at a future time.

CITY OF
ABILENE

CARROLL CLAUDETTE
5317 MEADOW DR
ABILENE, TX 79606-5354

NOTICE OF PUBLIC HEARING

RE: Rezoning Application Number Z-2016-28 6/23/2016

The Planning and Zoning Commission will hold a public hearing on **Tuesday, July 5, 2016**, at **1:30 PM**, in the City Council Chambers, 2nd Floor, City Hall, N. 5th and Walnut Streets, for the purpose of considering a request from James Lynn Corbin to rezone property from AO (Agricultural Open Space) to RR-1 (Rural Residential) zoning, located at 5350 Meadow Dr.

This hearing is open to any interested person. Opinions, objections and/or comments relative to this matter may be expressed in writing or in person at the hearing. At the bottom of this letter is a form that you may cut off, fill out, and mail. Comments are also accepted by email or fax as listed below. All responses must be signed.

The attached map shows the area of the request. Only that area which is bounded by the cross-hatched line on the map is being considered for rezoning. The solid boundary line around the subject area is only a notification area. If approved by the Planning and Zoning Commission or if denied and appealed to the City Council within the specified ten day period, this case will be heard by the City Council for 2nd and Final Reading with a public hearing on **August 11, 2016**, at 8:30 a.m., City Council Chambers, 2nd Floor, City Hall.

For the PLANNING & ZONING COMMISSION
Please call at (325) 676-6237 if you have any questions about this notice.

CASE #: Z–2016-28
You may indicate your position on the above request by detaching this sheet at the dotted line and returning it to the address below. You may attach additional sheets if needed. You may also fax or email your position to the fax number or email address also listed below. All correspondence must include your name and address.

Name: CARROLL CLAUDETTE
Address: 5317 MEADOW DR

Mailing To: Planning and Development Services
P.O. Box 60, Abilene TX 79604

Fax #: (325) 676-6242
email: planning@abilenetx.com

I am in favor ☐ I am opposed ☒

Additional Comments:

Signature: Claudette Carroll

Z-2016-28

Request: Rezone from AO to RR-1 zoning

Location: 5350 Meadow Dr

Notification: 0 in favor; 3 opposed***

Staff Recommendation: Approval

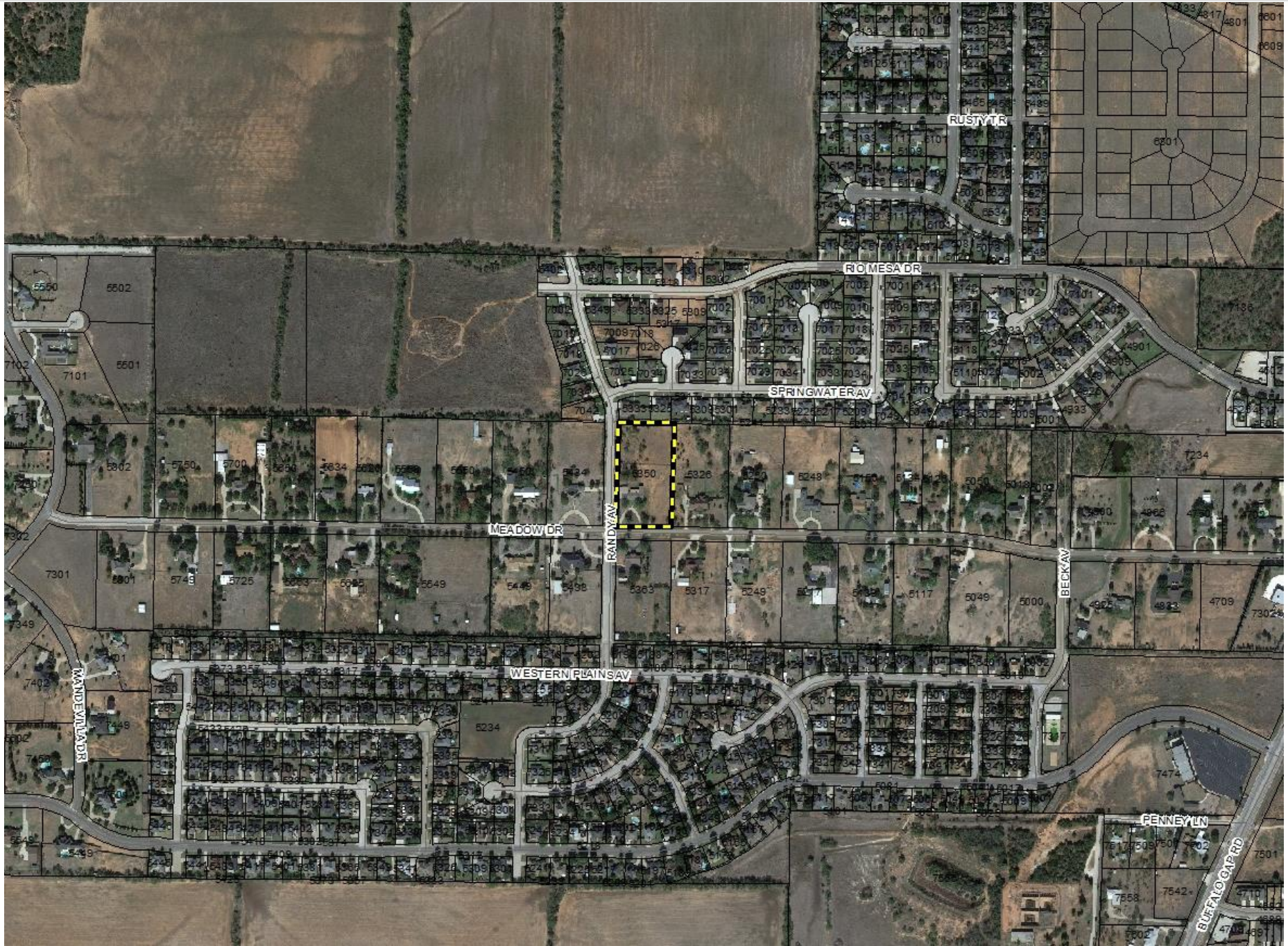
P & Z Recommendation: Approval of request (4-0)

Super-majority Vote Required

Z-2016-28

RS-8
RS-6
AO
AO/COR
PD
MEADOW DR
SPRINGWATER AV
RUSTY J R
RANDY AV
BECK AV
WESTERN PLAINS AV
MANDEVILLA DR
PENNEY LN

Z-2016-28


RUSTY TR
RIO MESA DR
SPRINGWATER AV
MEADOW DR
RANDY AV
BECK AV
WESTERN PLAINS AV
RANDEVILLA DR
PENNEY LN
BUFFALO GAP RD

Z-2016-28

RANDY AV
PEBBLES PL
WATERWAY LN
CLEARLAKE CT
SPRINGWATER AV
MEADOW DR
5350
5326
5248
5549
5548
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5217

View looking north toward subject property

View of side yard looking north toward subject property

View looking southeast toward property

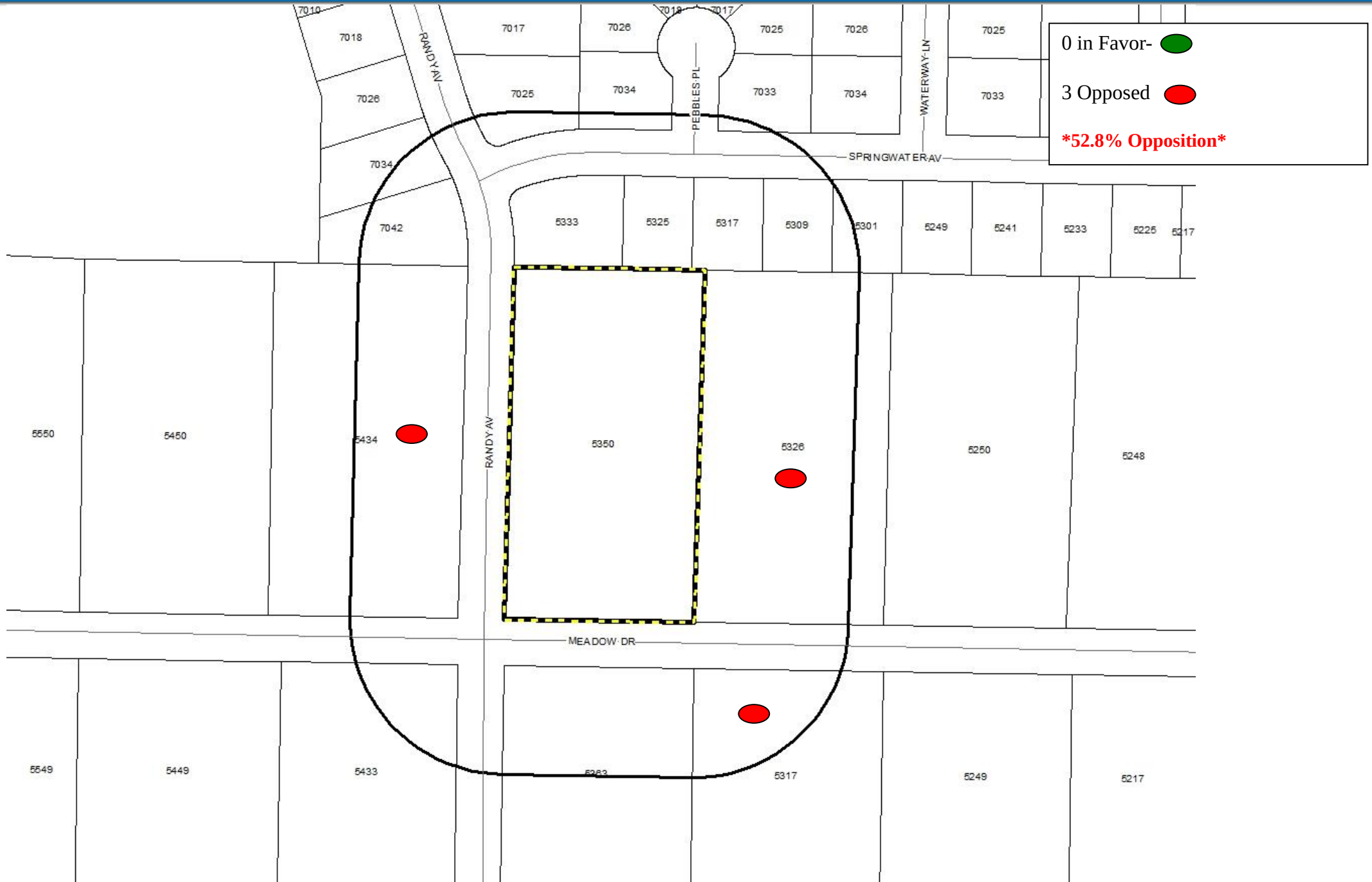
View looking south along Randy Ave.

View looking east from Randy Ave.

View looking northeast from Randy Ave.

View looking south along Randy Ave.

Z-2016-28


0 in Favor-
3 Opposed
52.8% Opposition
SPRINGWATER AV
RANDY AV
PEBBLES PL
WATERWAY LN
MEADOW DR
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City Council
Agenda Memo

City Council Meeting Date: 8/11/2016

TO: **Robert Hanna, City Manager**

FROM: **Dana Schoening, Director Planning & Development Services**

SUBJECT: **Ordinance & Public Hearing: *(Final Reading)* Z-2016-29 A request from Scott Family Enterprises, LLC, agent Erik Johnson, to rezone property from HI (Heavy Industrial) to LI (Light Industrial) zoning, located at 709, 717, 727, 733, 741, 749, 757, 765, & 773 S. Treadaway Blvd. *(Schoening)***

GENERAL INFORMATION

Currently the property is developed with retail, service, & wholesale businesses. The adjacent properties are all developed with similar uses. When the Land Development Code was adopted, many uses were removed from the HI zoning. The applicant is proposing to rezone the properties to allow for greater flexibility in the permitted uses allowed by the LI zoning. A proposed use for battery sales and service requested to occupy one of the buildings but is not an authorized use in the HI zoning district. The previous use was a motorcycle sales & repair shop that opened in 2001. The requested change of zoning would allow for the proposed use and other similar uses for all of their properties in this block.

The Future Land Use section of the Comprehensive Plan designates this general area as 'industrial'. South Treadaway Blvd is designated as an 'arterial' roadway as well as an 'enhancement corridor'. The requested zoning is deemed compatible with the Future Land Use Map and the adjacent properties.

SPECIAL CONSIDERATIONS

FUNDING/FISCAL IMPACT

STAFF RECOMMENDATION

Staff recommends approval.

BOARD OR COMMISSION RECOMMENDATION

The Planning and Zoning Commission recommends approval by a vote of four (4) in favor (Bixby, Dunnahoo, Rosenbaum, & Famble) and none opposed.

ATTACHMENTS:

Description	Type
Ordinance Cover	Ordinance
Ordinance Exhibit	Ordinance
Staff Report with Maps	Backup Material
PowerPoint	Presentation

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF ABILENE, TEXAS, AMENDING CHAPTER 23, "LAND DEVELOPMENT CODE," OF THE ABILENE MUNICIPAL CODE, BY CHANGING THE ZONING DISTRICT BOUNDARIES AFFECTING CERTAIN PROPERTIES; CALLING A PUBLIC HEARING; PROVIDING A PENALTY AND AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS:

PART 1: That Chapter 23, part known as the Land Development Code of the City of Abilene, is hereby amended by changing the zoning district boundaries as set out in Exhibit "A," attached hereto and made a part of this ordinance for all purposes.

PART 2: That any person, firm or corporation violating any of the provisions of this chapter shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not more than Five Hundred Dollars ($500.00). Each day such violation shall continue or be permitted to continue, shall be deemed a separate offense.

PART 3: That the Planning Director be, and is hereby authorized and directed to change the official Zoning Map of the City of Abilene to correctly reflect the amendments thereto.

PASSED ON FIRST READING this 28th day of July, A.D. 2016.

A notice of the time and place, where and when said ordinance would be given a public hearing and considered for final passage, was published in the Abilene Reporter-News, a daily newspaper of general circulation in the City of Abilene, said publication being on the 17th day of June, 2016, the same being more than fifteen (15) days prior to a public hearing to be held in the Council Chamber of the City Hall in Abilene, Texas, at 8:30 a.m., on the 11th day of August, 2016 to permit the public to be heard prior to final consideration of this ordinance. Said ordinance, being a penal ordinance, becomes effective ten (10) days after its publication in the newspaper, as provided by Section 19 of the Charter of the City of Abilene.

PASSED ON SECOND AND FINAL READING THIS 11th day of August, A.D. 2016.

ATTEST:

_____
CITY SECRETARY

_____
MAYOR

APPROVED:

_____
CITY ATTORNEY

ORDINANCE NO. _____

EXHIBIT "A"

Rezone property from HI (Heavy Industrial) to LI (Light Industrial) zoning.

Legal Description:

LOTS 23 – 32 LESS ROW 164 2 TS ROLLINS OT ABL

Location:
709, 717, 727, 733, 741, 749, 757, 765, & 773 S. Treadaway Blvd

-END-

ZONING CASE Z-2016-29
STAFF REPORT

APPLICANT INFORMATION:
Scott Family Enterprises, LLC
Agent: Erik Johnson

HEARING DATES:
P & Z Commission: July 5, 2016
City Council 1st Reading: July 28, 2016
City Council 2nd Reading: August 11, 2016

LOCATION:
709 through 773 S. Treadaway Blvd

REQUESTED ACTION:
Rezone property from HI (Heavy Industrial) to LI (Light Industrial) zoning

SITE CHARACTERISTICS:
The subject parcels total approximately 1.47 acres and is currently zoned HI. The parcels are developed with retail, service, & wholesale businesses. The adjacent properties are zoned HI to the north, south, & east and HC (Heavy Commercial) to the west across S. Treadaway Blvd.

ZONING HISTORY:
The property is part of the original town limits incorporated in 1895 and was zoned HI dating back to at least 1974.

ANALYSIS:
- Current Planning Analysis
  Currently the property is developed with retail, service, & wholesale businesses. The adjacent properties are all developed with similar uses. When the Land Development Code was adopted, many uses were removed from the HI zoning. The applicant is proposing to rezone the properties to allow for greater flexibility in the permitted uses allowed by the LI zoning. A proposed use for battery sales and service requested to occupy one of the buildings but is not an authorized use in the HI zoning district. The previous use was a motorcycle sales & repair shop that opened in 2001. The requested change of zoning would allow for the proposed use and other similar uses for all of their properties in this block.

- Comprehensive Planning Analysis
  The Future Land Use section of the Comprehensive Plan designates this general area as 'industrial'. South Treadaway Blvd is designated as an 'arterial' roadway as well as an 'enhancement corridor'. The requested zoning is deemed compatible with the Future Land Use Map and the adjacent properties.

PLANNING STAFF RECOMMENDATION:
Staff recommends approval.

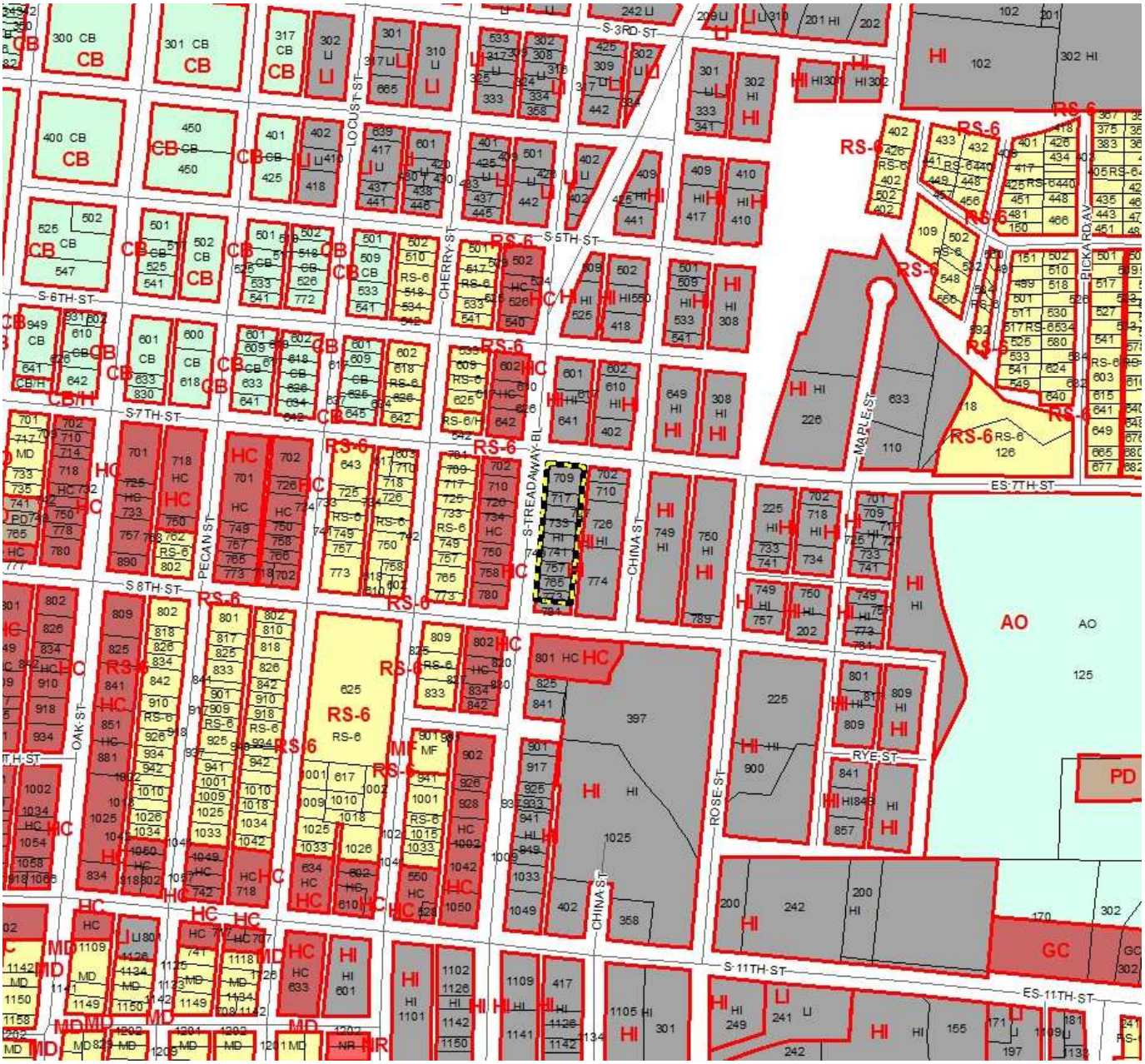
PLANNING AND ZONING COMMISSION RECOMMENDATION:
The Planning and Zoning Commission recommends approval by a vote of four (4) in favor (Bixby, Dunnahoo, Rosenbaum, & Famble) and none opposed.

NOTIFICATION:
Property owners within a 200-foot radius were notified of the request.

OWNER	ADDRESS	RESPONSE
SCOTT FAMILY ENTERPRISES LLC	733 S TREADAWAY BL	
CAMPBELL JIMMY	726 S TREADAWAY BL	
PENROD PROPERTIES INC	802 S TREADAWAY BL	
CROSSLAND ASHLEY JUSTIN & TAGGART NICOLE JEAN CROSSLAND	781 S TREADAWAY BL	
SCOTT FAMILY ENTERPRISES LLC	717 S TREADAWAY BL	
WTG FUELS INC	641 S TREADAWAY BL	
ABILENE HOPE HAVEN INC	801 S TREADAWAY BL	In Favor
WATKINS 82 ENTERPRISES LLC	750 S TREADAWAY BL	
GARCIA JUAN & LONGORIA CASEY	702 CHINA ST	
MB RENTALS LTD	402 S 7TH ST	
ELITE ELECTRICAL SERVICE INC	726 CHINA ST	
GARCIA JUAN & LONGORIA CASEY	710 CHINA ST	
CAMPBELL JIMMY	702 S TREADAWAY BL	
SCOTT FAMILY ENTERPRISES LLC	765 S TREADAWAY BL	
SCOTT FAMILY ENTERPRISES LLC	757 S TREADAWAY BL	
SCOTT FAMILY ENTERPRISES LLC	727 S TREADAWAY BL	
SCOTT FAMILY ENTERPRISES LLC	773 S TREADAWAY BL	
CAMPBELL JIMMY	710 S TREADAWAY BL	
MORRIS & JACOBY PARTNERSHIP	780 S TREADAWAY BL	
SMITH ALTON HARVEY JR & ALICIA MALORIE	734 S TREADAWAY BL	
CAMPBELL LESLIE V III & KELLY W	758 S TREADAWAY BL	
SCOTT FAMILY ENTERPRISES LLC	749 S TREADAWAY BL	
HOEMKE ROBERT & HOLLY	750 CHINA ST	
SCOTT FAMILY ENTERPRISES LLC	709 S TREADAWAY BL	
TYLER GARY A	642 S TREADAWAY BL	
SCOTT FAMILY ENTERPRISES LLC	741 S TREADAWAY BL	
SIMONS TOMMY W	610 CHINA ST	

1 in Favor- **Y**

0 Opposed- **N**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ES-11TH-ST
LOCUST-ST
CHERRY-ST
PECAN-ST
OAK-ST
S-TREADAWAY-BL
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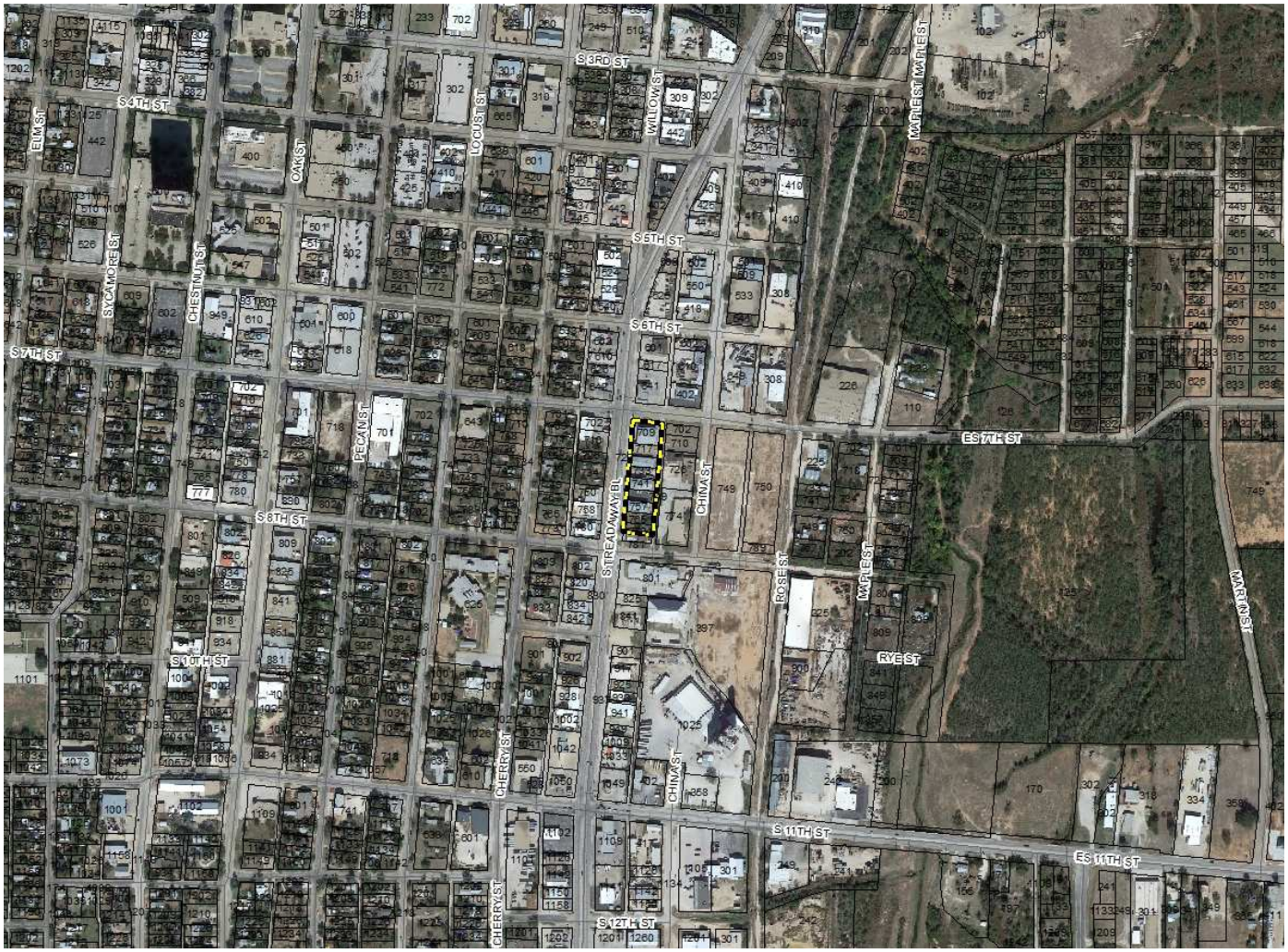
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Z-2016-29

Request: Rezone from HI to LI zoning

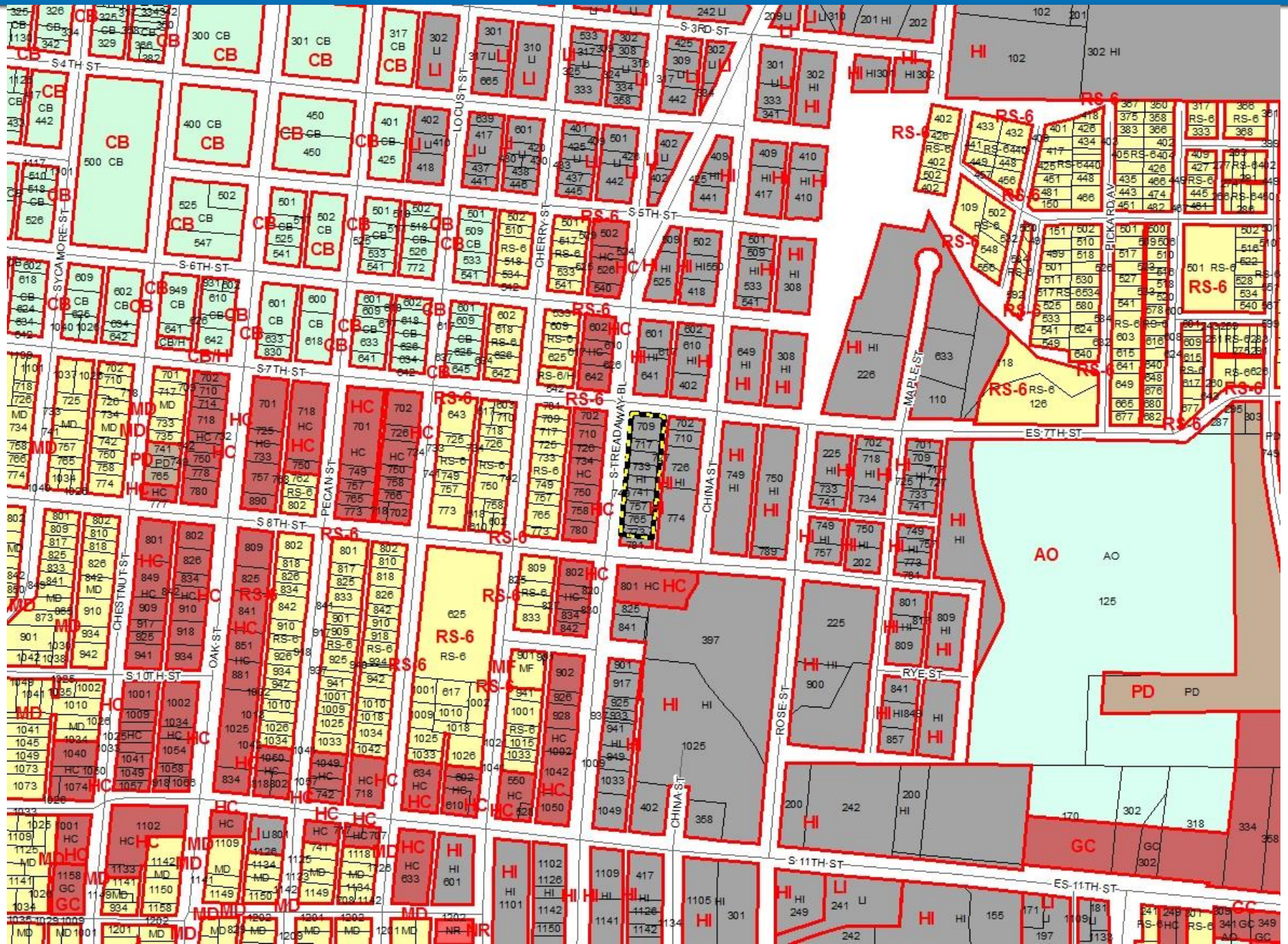
Location: 709 through 773 S. Treadaway Blvd

Notification: 1 in favor; 0 opposed

Staff Recommendation: Approval

P & Z Recommendation: Approval of request (4-0)

Z-2016-29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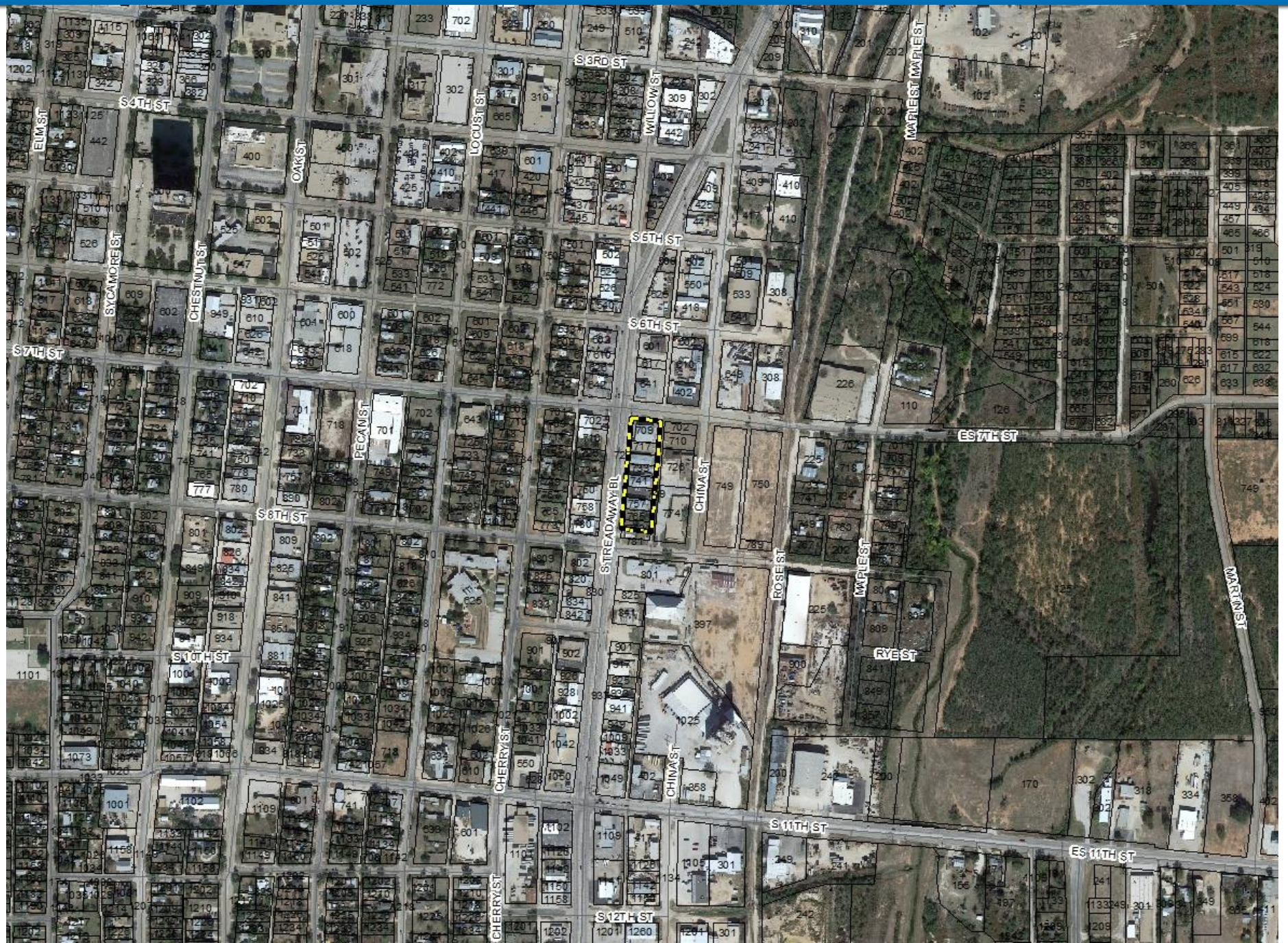
Z-2016-29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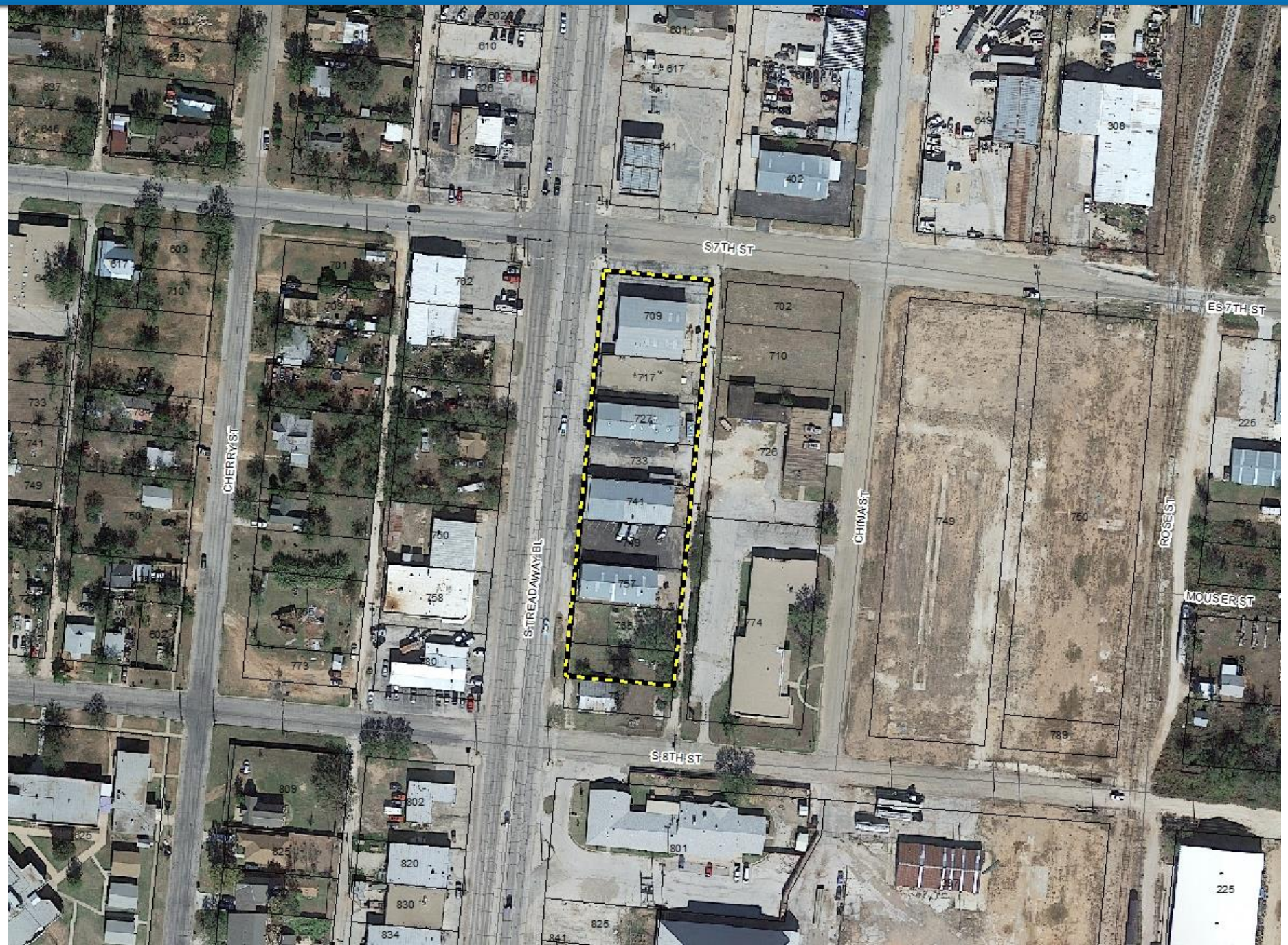
Z-2016-29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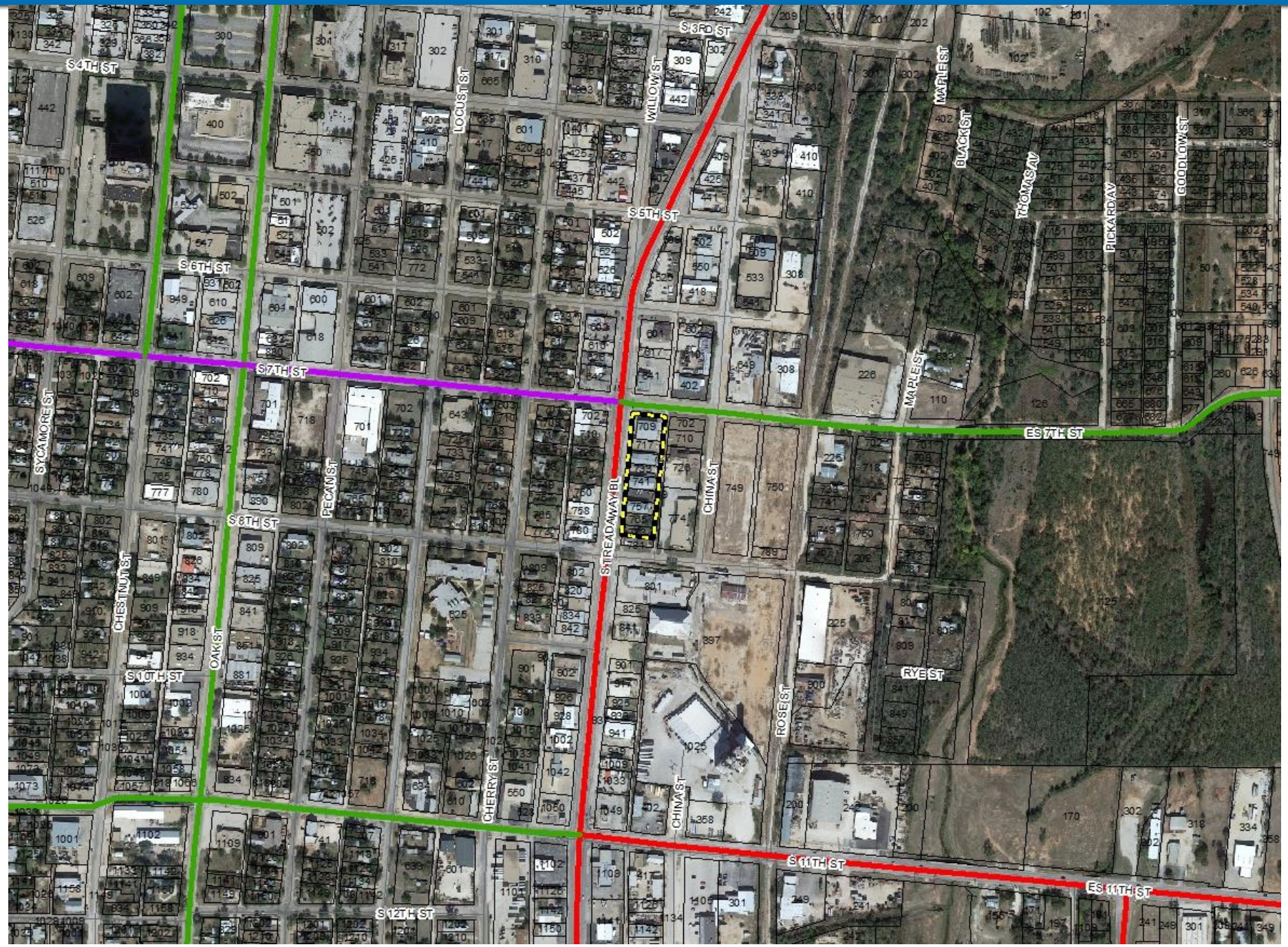
Z-2016-29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View looking east toward subject property

View looking southeast toward subject property

View looking east toward subject property

View looking northeast toward subject property

View looking southeast toward subject property

View looking north along S Treadaway Blvd.

View looking west across S. Treadaway Blvd.

View looking southwest across S. Treadaway Blvd.

Permitted Uses in LI Zoning

	ACCESSORY AND INCIDENTAL USES:
P	Accessory Structure (Also see Division 4 of this article)
P	Antenna, Non-Commercial/Amateur
P	ATM's, Self-Serve Kiosks, and Similar Facilities
P	Drive-Thru Facility
TP	Field Office or Construction Office (temporary)
P	Freight Container
P	Fuel Sales
TP	Itinerant Business
P	Manufacturing (incidental)
C	Mobile Home (permanent security residence)
TP	Mobile Home (temporary security residence)
P	Mobile Home or Temporary Building (office for sales and service)
P	Recreation Building, Multipurpose
P	Recycling Collection Point
	CULTURAL AND RECREATIONAL USES:
P	Adult Entertainment Enterprise
C	Cultural Facilities
P	Drive-in Theater
C	Motorized Racing
P	Recreation – Outdoors (passive)
	GOVERNMENT, HEALTH, SAFETY AND WELFARE USES:
P	Ambulance Service
P	Correction, Detention, or Penal Facilities
P	Fire/Police Station
P	Homeless/Emergency Shelter
P	Medical/Dental Laboratory
P	Military and Armed Forces Reserve Center
P	Post Office
C	Sanitary Landfill
	EDUCATIONAL AND RELIGIOUS USES:
C	Cemetery, Crematorium, and Mausoleum
P	Church or Place of Worship
P	Educational and Scientific Research
P	School: Public/Private
P	Trade/Business School
	SERVICE
P	Automobile Wash
P	Contractor Services
P	Funeral Home/ Mortuary/Morgue
P	Kennel (With Outdoor Pens)
P	Kennel (Without Outdoor Pens)
C	Laundry, Dry Cleaning, Dyeing, and Linen Service (no retail customers)
P	Laundry/Dry Cleaning Services & Facilities
P	Office (general, professional, financial)
P	Printing, Copying, Reproduction, Publishing
P	Recycling Collection and Processing Center
P	Repair and Maintenance Services - Automobile/Small Truck (major)
P	Repair and Maintenance Services - Automobile/Small Truck (minor)
P	Repair and Maintenance Services (indoor)
P	Repair and Maintenance Services (outdoors)
P	Repair and Maintenance Services (truck and other large vehicles)
P	Scales (public)
P	Storage - Self-Service Units
P	Tattoo Parlor
P	Taxidermist
P	Veterinary Service (all size animals)
P	Veterinary Service (small animals)
P	Wrecker/Towing
	TRADE – RETAIL USES
P	Aircraft and Accessories
P	ATM's, Self-Serve Kiosks, and Similar Facilities
P	Fuel Sales
P	Liquor Store (Off Premises Consumption) *(Defined under Liquor Store)*
P	Liquor Store (On Premises Consumption) *(Defined under Liquor Store)*
P	Retail Sales/Rental (automobile/small truck)
P	Retail Sales/Rental (indoor)
P	Retail Sales/Rental (outdoors, non-vehicle)
P	Retail Sales/Rental (trucks and other large vehicles and equipment)
	TRADE – WHOLESALE USES
P	Liquor, Wholesale/Distribution
C	Livestock – Wholesale or Auction
P	Wholesaling and Storage (indoor)
P	Wholesaling and Storage (outdoors)
	TRANSPORTATION, COMMUNICATION AND UTILITIES:
P	Airport, Heliport and Flying Field Terminals - Commercial (passenger and freight)
P	Antenna Tower - Commercial
P	Automobile Parking Lot or Structure - Commercial
P	Broadcast Studio
P	Passenger Ground Transportation Terminal
P	Pressure Control Station
P	Public Utility Facility
P	Railroad Switching and Marshaling Yard
P	Utility Generation, Production, Treatment
	RESOURCE PRODUCTION AND EXTRACTION USES:
C	Mining
P	Petroleum or Gas Well
P	Liquor
P	Manufacturing (light)

LEGEND

P	Permitted as a Right-of-Use (may be subject to compliance with conditions described within Section 2.4.3 of the Land Development Code)
C	Permitted as a Conditional Use Permit, Requiring Approval by City Council
TP	Permitted by Temporary Permit Only, Requiring Approval by Board of Adjustment

Z-2016-29

1 in Favor-
0 Opposed-
S 7TH ST
ES 7TH ST
S 8TH ST
CHERRY ST
S TREADAWAY BL
CHIMA ST
ROSE ST
MOUSER ST

City Council
Agenda Memo

City Council Meeting Date: 8/11/2016

TO: **Robert Hanna, City Manager**

FROM: **Dana Schoening, Director Planning & Development Services**

SUBJECT: **Ordinance & Public Hearing: *(Final Reading)* Z-2016-30 A request from Floyd Kaerwer, agent Design Team Plus, LLC, to rezone property from LI (Light Industrial) to MU (Medical Use) zoning, located at 11 & 15 Windmill Cir. *(Schoening)***

GENERAL INFORMATION

Currently the property is undeveloped. The adjacent properties are halfway developed with industrial uses to the south & west and a mix of retail & services uses to the north. The newer Sam's Club business is located north from this site. Abilene Regional Hospital is located nearby to the south. The applicant is proposing to develop a single-tenant building for a physical rehab facility. Due to its location just off the freeway, the site will have adequate access. The purpose of the rezoning is to allow for in-patient care for patients who have suffered a stroke, head injury, loss of a limb, etc. and have been cleared from being in critical condition but are not able to return home without additional treatment offered by a trained therapist. This type of medical use with overnight stay is not allowed in the LI zoning district. The MU zoning district allows for this type of use. As a point of understanding, the MU zoning also allows for multi-family residential uses. Other districts that allow for the proposed medical facility with overnight stay include the GC & HC (Heavy Commercial) districts. Neither of these districts allow for multi-family residential uses. Given the surrounding zoning, any of these districts would be appropriate at this location.

The Future Land Use section of the Comprehensive Plan designates this general area as part of a 'Gateway/Mixed Use' area with the primary focus at the intersection of Beltway S. and Hwy 83/84 but extending north along the highway to include this area. Additionally, a 'Special Activity Center' is designated at the intersection of Antilley Rd & Hwy 83/84 where the hospital is located. This area is slowly transitioning away from the industrial zoning to a retail/commercial area. The location just off the highway and its proximity to the Sam's Club and the hospital lends itself to future multi-family, office & retail uses. The requested zoning is deemed compatible with the Future Land Use Map and the adjacent properties.

SPECIAL CONSIDERATIONS

As provided for in City of Abilene Land Development Code Article 4, Division 1, Section 1.4.1.3(I)(1), when a written protest against the amendment is signed by the owners of twenty percent (20%) or more of either the area of the lots or land covered by the proposed change, or the area of the lots or land immediately adjoining the area covered by the proposed change and extending two hundred feet (200') from that area, a zoning amendment shall not become effective except by the favorable vote of three fourths of all members of the City Council.

Regarding this particular rezoning item, three property owners have opposed the rezoning. Together these property owners constitute 37.48% of the land area within the radius area. The 200' radius area is the legally defined public notification area as provided for in Land Development Code and Texas State Statutes for rezoning applications. Therefore, because opposition is from 20% or more of land area in the public notification area, a super-majority vote of the City Council is required to approve an ordinance for this rezoning item.

For explanation on the 200' radius area constituting the public notification area, the radius begins at the property line of the property proposed for rezoning. The actual property area proposed for rezoning is not included as part of the public notification area. Only the 200' radius area constitutes the public notification area, therefore the portion of the three properties located within the 200' radius area constitutes over 20% of the total land area that defines the 200' radius area.

FUNDING/FISCAL IMPACT

STAFF RECOMMENDATION

Staff recommends approval.

BOARD OR COMMISSION RECOMMENDATION

The Planning and Zoning Commission recommends approval of a PD (Planned Development) district with MU zoning and the elimination of all residential uses by a vote of four (4) in favor (Bixby, Dunnahoo, Rosenbaum, & Famble) and none opposed.

ATTACHMENTS:

Description	Type
Ordinance	Ordinance
Staff Report with Maps	Backup Material
Request Letter from Applicant	Backup Material
Clafirication Letter from Applicant	Backup Material
Surrounding Property Owner Response	Backup Material
PowerPoint	Presentation

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF ABILENE, TEXAS, AMENDING CHAPTER 23, "LAND DEVELOPMENT CODE," OF THE ABILENE MUNICIPAL CODE, CONCERNING PD-156 A PLANNED DEVELOPMENT; CALLING A PUBLIC HEARING; PROVIDING A PENALTY AND AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS:

PART 1: That Chapter 23, part known as the Land Development Code of the City of Abilene, is hereby amended by changing the zoning district boundaries as set out in Exhibit "A," attached hereto and made a part of this ordinance for all purposes.

PART 2: That any person, firm or corporation violating any of the provisions of this chapter shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not more than Five Hundred Dollars ($500.00). Each day such violation shall continue or be permitted to continue, shall be deemed a separate offense.

PASSED ON FIRST READING this 28th day of July A.D. 2016.

A notice of the time and place, where and when said ordinance would be given a public hearing and considered for final passage, was published in the Abilene Reporter-News, a daily newspaper of general circulation in the City of Abilene, said publication being on the 17th day of June , 2016, the same being more than fifteen (15) days prior to a public hearing to be held in the Council Chamber of the City Hall in Abilene, Texas, at 8:30 p.m., on the 11th day of August, 2016, to permit the public to be heard prior to final consideration of this ordinance. Said ordinance, being a penal ordinance, becomes effective ten (10) days after its publication in the newspaper, as provided by Section 19 of the Charter of the City of Abilene.

PASSED ON SECOND AND FINAL READING THIS 11th day of August, A.D. 2016.

ATTEST:

_____
CITY SECRETARY

_____
MAYOR

APPROVED:

_____
CITY ATTORNEY

ORDINANCE NO. _____

Exhibit "A"

PART 1: Land Title. Title to land not dedicated to public use and services or for utility purposes and not otherwise designated for development purposes shall remain in possession of the owner thereof, his heirs, assigns, lessees and successors in interest and shall not be the responsibility of the City of Abilene for any purpose.

PART 2: Development Specifications. All development in the Planned Development shall be in accordance with any maps, topographical and drainage plans, utility plans, architectural drawings, site plan, plat, and any other required plans filed in connection with this requested Planned Development, which are hereby incorporated by reference and included as part of this ordinance. All use and development within the Planned Development must be in compliance with the general Comprehensive Zoning Ordinance of the City of Abilene except as otherwise specifically provided herein.

PART 3: Building Specifications. All structures in the herein said Planned Development shall be constructed in accordance with all pertinent building and construction codes of the City of Abilene.

PART 4: Zoning. That Chapter 23, Abilene Municipal Code, part known as the Land Development Code of the City of Abilene, is hereby further amended by changing the zoning district boundaries, as hereinafter set forth: From LI (Light Industrial) to PD (Planned Development) zoning.

That the Planning Director be, and is hereby authorized and directed to change the official Zoning Map of the City of Abilene to correctly reflect the amendments thereto.

ORDINANCE NO. _____
EXHIBIT "A"
PAGE 2

PART 5: Legal Description. The legal description of this PD is as follows:

WINDMILL ACRES, BLOCK A, LOT 111 REP
WINDMILL ACRES, BLOCK A, LOT 112 REP

Location:
11 & 15 Windmill Cir

PART 6: Purpose. The purpose of the Planned Development (PD) request is to allow for used permitted within the MU (Medical Use) zoning but eliminating all residential uses.

PART 7: Specific Modifications. This Planned Development shall be subject to the requirements of the MU (Medical Use) zoning district, except as modified below:

1) PERMITTED USES:
    a. Residential uses shall not be permitted within the PD district.

-END-

ZONING CASE Z-2016-30
STAFF REPORT

APPLICANT INFORMATION:
Floyd Kaerwer
Agent: Design Team Plus, LLC

HEARING DATES:
P & Z Commission: July 5, 2016
City Council 1st Reading: July 28, 2016
City Council 2nd Reading: August 11, 2016

LOCATION:
11 & 15 Windmill Cir

REQUESTED ACTION:
Rezone property from LI (Light Industrial) to MU (Medical Use) zoning

SITE CHARACTERISTICS:
The subject parcel totals approximately 2.51 acres and is currently zoned LI. It is undeveloped and proposed to be a single-tenant building for a physical rehab facility. The adjacent properties are zoned PD (Planned Development) & GC (General Commercial) to the north, GR to the east, LI & GC to the south, and LI to the west.

ZONING HISTORY:
The property was annexed in 1978 and zoned LI in 1979.

ANALYSIS:
- Current Planning Analysis
  Currently the property is undeveloped. The adjacent properties are halfway developed with industrial uses to the south & west and a mix of retail & services uses to the north. The newer Sam's Club business is located north from this site. Abilene Regional Hospital is located nearby to the south. The applicant is proposing to develop a single-tenant building for a physical rehab facility. Due to its location just off the freeway, the site will have adequate access. The purpose of the rezoning is to allow for in-patient care for patients who have suffered a stroke, head injury, loss of a limb, etc. and have been cleared from being in critical condition but are not able to return home without additional treatment offered by a trained therapist. This type of medical use with overnight stay is not allowed in the LI zoning district. The MU zoning district allows for this type of use. As a point of understanding, the MU zoning also allows for multi-family residential uses. Other districts that allow for the proposed medical facility with overnight stay include the GC & HC (Heavy Commercial) districts. Neither of these districts allow for multi-family residential uses. Given the surrounding zoning, any of these districts would be appropriate at this location.

- Comprehensive Planning Analysis
  The Future Land Use section of the Comprehensive Plan designates this general area as part of a 'Gateway/Mixed Use' area with the primary focus at the intersection of Beltway S. and Hwy 83/84 but extending north along the highway to include this area. Additionally, a 'Special Activity Center' is designated at the intersection of Antilley Rd & Hwy 83/84 where the hospital is located. This area is slowly transitioning away from the industrial zoning to a retail/commercial area. The location just off the highway and its proximity to the Sam's Club and the hospital lends itself to future multi-family, office & retail uses. The requested zoning is deemed compatible with the Future Land Use Map and the adjacent properties.

PLANNING STAFF RECOMMENDATION:

Staff recommends approval.

PLANNING AND ZONING COMMISSION RECOMMENDATION:

The Planning and Zoning Commission recommends approval of a PD (Planned Development) district with MU zoning and the elimination of all residential uses by a vote of four (4) in favor (Bixby, Dunnahoo, Rosenbaum, & Famble) and none opposed.

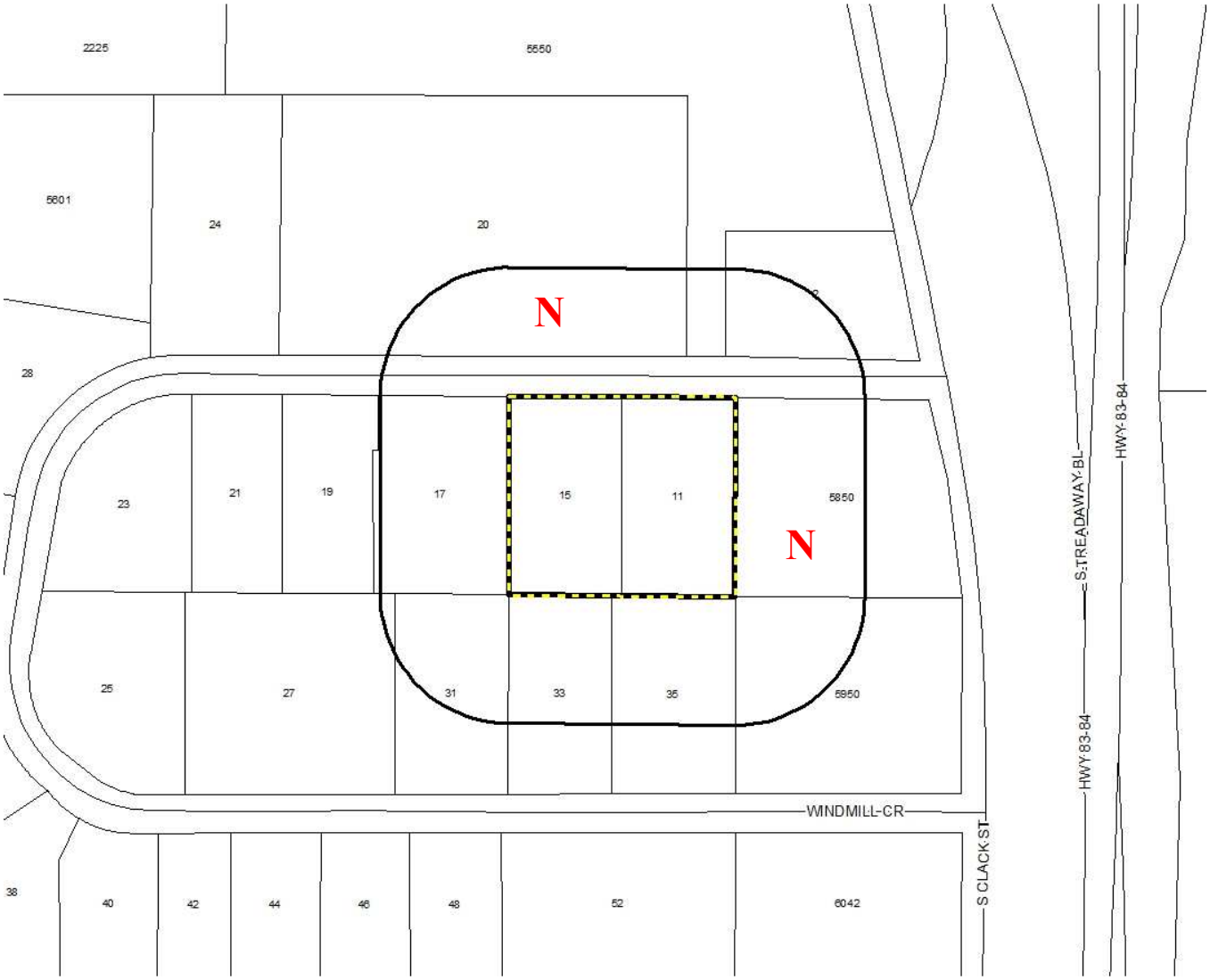
NOTIFICATION:

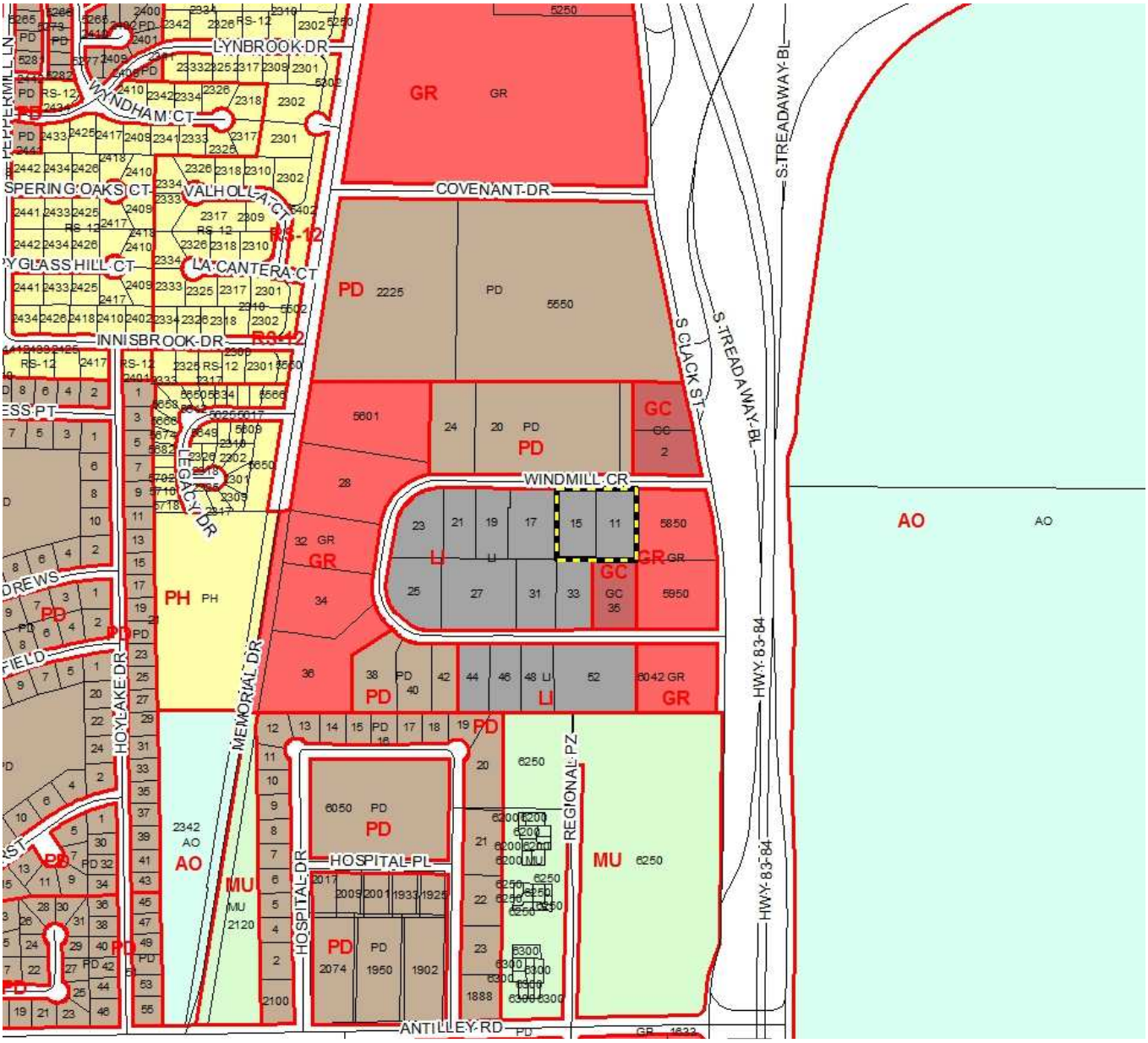
Property owners within a 200-foot radius were notified of the request.

OWNER	ADDRESS	RESPONSE
HASTEN FAMILY INVESTMENTS LTD	27 WINDMILL CR	
PICKENS REX F	31 WINDMILL CR	
KAERWER FLOYD	15 WINDMILL CR	
PRICE DALE K & JANICE W	2 WINDMILL CR	
WINDMILL CIRCLE PARTNERS LP	5950 S CLACK ST	
ADAMS LYNN	17 WINDMILL CR	
RANDELL DAVID J	33 WINDMILL CR	
RANDELL DAVID J	35 WINDMILL CR	
WINDMILL CIRCLE PARTNERS LP	5850 S CLACK ST	Opposed
KAERWER FLOYD	11 WINDMILL CR	
STORAGE EVOLUTION LTD	20 WINDMILL CR	Opposed
SAMS REAL ESTATE BUSINESS TR	5550 S CLACK ST	

0 in Favor- **Y**

2 Opposed- **N**

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VALHOLLA CT
SPERING OAKS CT
GLASS HILL CT
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DREWS
FIELD
HOYLAKE DR
MEMORIAL DR
HOSPITAL DR
HOSPITAL PL
REGIONAL PZ
HWY 83-84
ANTILLEY RD
GR
PD
RS-12
PH
AO
MU
LI
GC

LYNBROOK DR
PEPPERMILL LN
WYNDHAM CT
WHISPERING OAKS CT
VALHOLLA CT
COVENANT DR
STREADAWAY BL
PIPING ROCK DR
SPYGLASS HILL CT
LA CANTERA CT
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CYPRESS PT
WINDMILL CR
LEGACY DR
SAINT ANDREWS
MUIRFIELD
HOYLAKE DR
MEMORIAL DR
REGIONAL PZ
HOSPITAL DR
HOSPITAL PL
PINEHURST
HWY 83-84
ANTILLEY RD

WINDMILL CR
S CLACK ST
S TREADAWAY BL
HWY 83-84
HWY 83-84

DesignTeam+
Architecture Landscape Architecture
Interior Design Urban Design

June 2, 2016

Dana L. Schoening
City of Abilene
Director of Planning & Development Services
555 Walnut Street
P.O. Box 60
Abilene, TX 79604

RE: Rezoning Request
Windmill Acres, Block A, Lots 111 & 112
Abilene, TX 79606

Dear Mr. Schoening:

Attached for your use and review is a completed application and rezoning fee of $1,500 for Lots 111 and 112 in the Windmill Acres subdivision in Abilene.

I am the agent for Floyd Kaerwer, and I am requesting a change of zoning from Light Industrial to Medical Use. The requested use is for a single tenant building for a physical rehab facility. Since we are still in the planning stages, I do not have the size of the building but I will make sure that it meets all of the planning requirements.

I am requesting that this item be put on the July 5th agenda of the Planning and Zoning Commission meeting.

Please call me with any questions or comments you may have.

Sincerely,

Ralph Nunez

DesignTeam Plus, LLC 975 East Maple Rd., Suite 210, Birmingham, Michigan 48009
248.559.1000 www.designteamplus.com info@designteamplus.com

DesignTeam+
Architecture Landscape Architecture
Interior Design Urban Design

July 28, 2016

Mr. Dana L. Schoening
Director of Planning and Development Services
555 Walnut Street, PO Box 60
City of Abilene, TX 79604-0060

RE: Rezoning Request for 11 & 15 Windmill Circle, Windmill Acres Subdivision, Block A, Lots 111 and 112

Dear Mr. Schoening

I want to thank you for your June 27th letter with the offer of returning the application fee. However, the intended use is not a medical office building and I apologize for the misunderstanding. I spoke with Ben Bryner earlier today and he mentioned that it would be helpful to respond to the question of Medical office and Rehabilitation Facility. A medical office building could have multiple offices, doctors and therapist, which could see patients during a normal work day 9 to 5, typically 5 days a week. This is an office building with medical use; this is not what we are proposing.

What is being proposed is a Medical Rehabilitation (Facility) Center offering inpatient care for patients. The hospital and other physicians normally refer patients. The patients could have suffered a stroke, head injury, loss of a limb, etc. and have been cleared from being in critical condition but are not able to return home without additional treatment offered by a trained therapist.

The Medical Rehabilitation (Facility) Center would provide patients with 24-hour care and treatment until they can be sent home. This inpatient care requires certified therapist, which are trained nurses with a PHD. The center will also provide outpatients care working with patients suffering from minor injuries. The tenant of the facility is working on the plan layout that will operate the Medical Rehabilitation Center. The center would include workstations, therapy rooms, equipment, patient beds, bathrooms etc. The tenant is also finalizing a long term lease agreement pending the rezoning on property.

The application to rezone my client's property from Light Industrial to Medical Use was to provide for a Rehabilitation Facility which is a permitted use under the MU district, but is not permitted in the Light Industrial District under Article 5: Use Regulations.

We respectfully request that our initial rezoning application be submitted for formal review on the July 5th meeting. I have made arrangement to be present for the meeting.

Thank you for your assistance and all the help we have received from your department.

Sincerely,

DesignTeam Plus, LLC.
Ralph L. Núñez, RLA, CLARB, ASLA, GRP
Principal Landscape Architect | Urban Designer

The Conder
Company
Real Estate Management • Development • Investments
4150 Southwest Drive
Suite 202
Abilene, TX 79606

June 28, 2016

Planning and Zoning Commission
P.O. Box 60
Abilene, TX 79604

Re: Rezoning Application Number Z-2016-30

Commissioners:

I am opposed to the above rezoning application. It is my understanding that the purported medical use requested by the proponent is allowable within the current LI zoned property. This would make it unnecessary to rezone the property. It is my concern and belief that the proponent is attempting to rezone the property to a designation that would ultimately allow for multifamily development of which this commission and city council have voted against on this tract in recent months.

If the proponent truly has a need for MU zoning that is not allowed within the current LI designation, I would request that you approve conditional zoning through a PDD or other format that does not permit multifamily use. If the proponent truly has a medical use, this caveat or condition should be acceptable to the proponent.

Thank you for your service and consideration in this matter.

Regards,

Tony Conder
Windmill Circle Partners LP
(5850 S. Clack St.)

:325-692-9141
:325-692-9321

Z-2016-30

Request: Rezone from LI to MU zoning

Location: 11 & 15 Windmill Cir

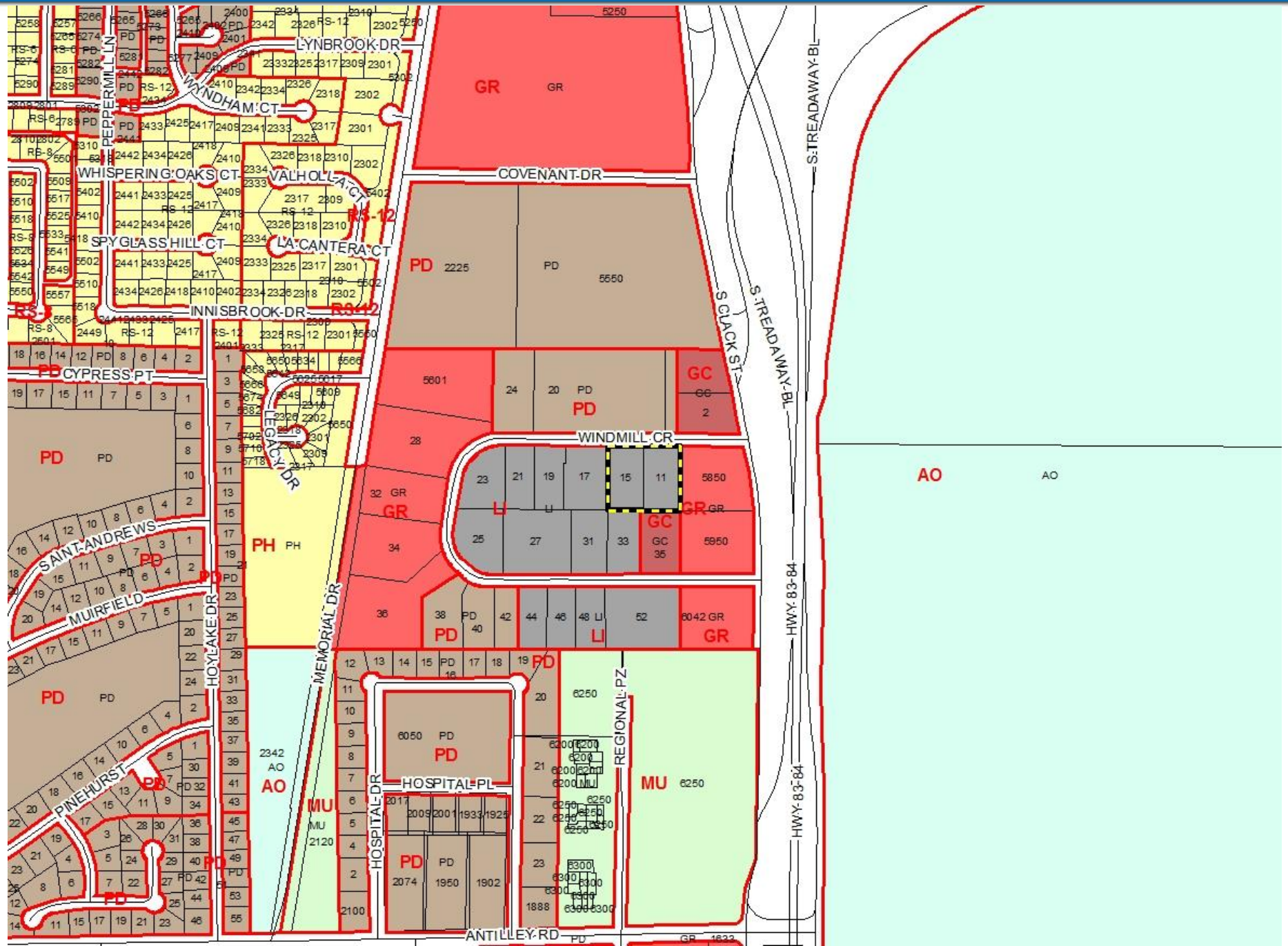
Notification: 0 in favor; 2 opposed***

Staff Recommendation: Approval

P & Z Recommendation: Approval of a PD (Planned Development) district with MU zoning and the elimination of all residential uses (4-0)

Super-majority Vote Required

Z-2016-30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LA CANTERA CT
INNISBROOK DR
CYPRESS PT
LEGACY DR
SAINT ANDREWS
MUIRFIELD
HOYLAKE DR
PINEHURST
MEMORIAL DR
COVENANT DR
S CLACK ST
S TREADAWAY BL
HWY 83-84
WINDMILL CR
HOSPITAL PL
HOSPITAL DR
REGIONAL PZ
ANTILLEY RD
GR
PD
RS-12
RS-8
RS-6
PH
LI
GC
MU
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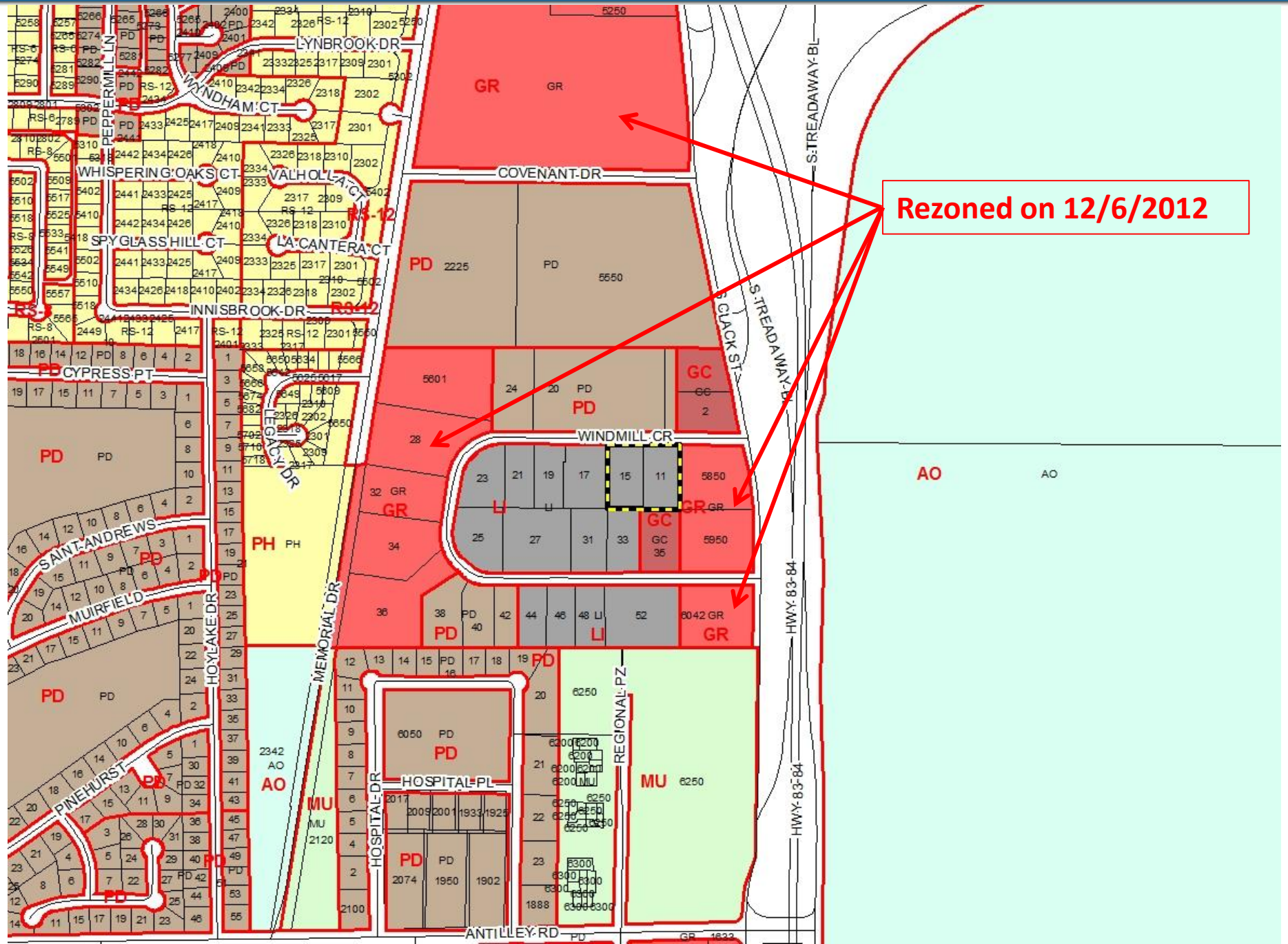
Z-2016-09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LA CANTERA CT
INNISBROOK DR
CYPRESS PT
COVENANT DR
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BLACK ST
WINDMILL CR
LEGACY DR
SAINT ANDREWS
MUIRFIELD
HOYLAKE DR
PINEHURST
MEMORIAL DR
HOSPITAL PL
HOSPITAL DR
REGIONAL PZ
ANTILLEY RD
HWY 83-84
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Z-2016-30

LYNBROOK DR
WINDHAM CT
PEPPERMILL LN
WHISPERING OAKS CT
VALHOLLA CT
COVENANT DR
PIPING ROCK DR
SPYGLASS HILL CT
LA CANTERA CT
INNISBROOK DR
CYPRESS PT
LEGACY DR
WINDMILL CR
SAINT ANDREWS
MUIRFIELD
HOYLAKE DR
MEMORIAL DR
PINEHURST
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HWY 83-84

Z-2016-30

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WINDMILL CR
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STREADAWAY BL
HWY 83-84
HWY 83-84

View looking south toward subject property

View looking east along Windmill Cir toward Kirby Lake

View looking west along Windmill Cir.

View looking southeast toward subject property

View looking southwest toward subject property

View looking north across Windmill Cir

Permitted Uses in MU Zoning

RESIDENTAL USES:

- P Dwelling – Industrialized Housing Unit
- P Dwelling – Institutional
- P Dwelling – Multiple-Family
- P Dwelling – Single-Family Detached
- P Hotel/Motel

ACCESSORY AND INCIDENTAL USES:

- P Accessory Structure (Also see Division 4 of this article)
- P Antenna, Non-Commercial/Amateur
- P ATM's, Self-Serve Kiosks, and Similar Facilities
- P Day Care Operation – Home-Based
- TP Field Office or Construction Office (temporary)
- P Garage Sale
- P Home Occupation
- TP Mobile Home (temporary security residence)
- P Recreation Building, Multipurpose
- P Subdivision Sales Office (temporary)
- P Swimming Pool, Private (accessory to residential use)
- P Tennis Court, Private (accessory to residential use)
- P Travel Trailers (accessory to hospitals)

CULTURAL AND RECREATIONAL USES:

- P Civic, Social, and Fraternal Organization
- P Cultural Facilities
- P Recreation – Outdoors (passive)
- C Recreation – Outdoors (active)

GOVERNMENT, HEALTH, SAFETY AND WELFARE USES:

- P Ambulance Service
- P Fire/Police Station
- P Hospital
- P Medical/Dental Laboratory
- P Post Office
- P Rehabilitation Facility
- P Social Service Facility

EDUCATIONAL AND RELIGIOUS USES:

- P Church or Place of Worship
- P Day-Care Operation - Center-Based
- P Educational and Scientific Research
- P School: Public/Private
- C Trade/Business School
- C University/College

SERVICE

- P Funeral Home/Mortuary/Morgue
- P Office (general, professional, financial)
- P Personal Services

TRADE – RETAIL USES

- P ATM's, Self-Serve Kiosks, and Similar Facilities
- P/C Restaurant, Fast Food
- P/C Restaurant, Standard

TRANSPORTATION, COMMUNICATION AND UTILITIES:

- C Antenna Tower - Commercial
- P Automobile Parking Lot or Structure - Commercial
- P Broadcast Studio
- P Public Utility Facility

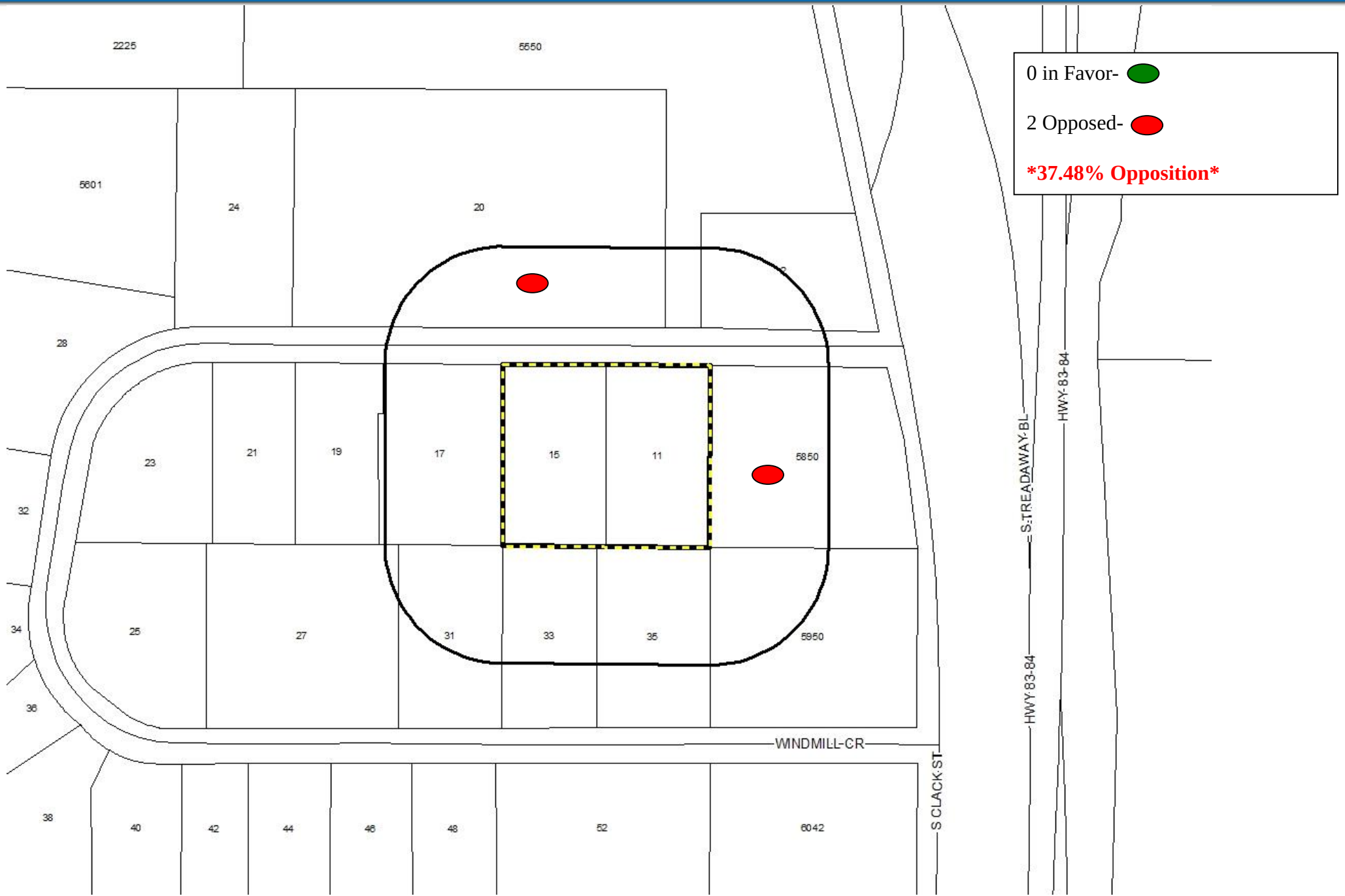
RESOURCE PRODUCTION AND EXTRACTION USES:

- P Petroleum or Gas Well

LEGEND

P	Permitted as a Right-of-Use (may be subject to compliance with conditions described within Section 2.4.3 of the Land Development Code)
C	Permitted as a Conditional Use Permit, Requiring Approval by City Council
TP	Permitted by Temporary Permit Only, Requiring Approval by Board of Adjustment

Z-2016-30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HWY 83-84
HWY 83-84

City Council
Agenda Memo

City Council Meeting Date: 8/11/2016

TO: **Robert Hanna, City Manager**

FROM: **Dana Schoening, Director Planning & Development Services**

SUBJECT: **Ordinance & Public Hearing: *(Final Reading)* Z-2016-31 A request from Amy L. Sojourner Critz, agent Pam Yungblut, to rezone property from O (Office) to NR (Neighborhood Retail) zoning, located at 3109 & 3117 S. 27th St. *(Schoening)***

GENERAL INFORMATION

Currently the property is developed with a small office building. The adjacent properties are developed with similar uses to the east & west, single-family homes to the south, and retail shopping centers to the north. The applicant is proposing to rezone the property to allow for 'personal service' uses such as message therapy, beauty salon, and other similar uses without restriction. When located within an Office district, a personal service use shall not be the principal use, must be located within a larger building housing the primary use, shall not exceed 10% of the floor area, and may only be accessed from the interior of the larger building. The requested change of zoning would allow for a personal service use as a principal use while still allowing for office uses in the building.

The Future Land Use section of the Comprehensive Plan designates this general area as 'low density residential'. South 27th St is designated as an 'arterial' roadway as well as an 'enhancement corridor'. The NR zoning was created with the Land Development Code to be compatible adjacent to residentially zoned properties. The requested zoning is deemed compatible with the Future Land Use Map and the adjacent properties.

SPECIAL CONSIDERATIONS

FUNDING/FISCAL IMPACT

STAFF RECOMMENDATION

Staff recommends approval.

BOARD OR COMMISSION RECOMMENDATION

The Planning and Zoning Commission recommends approval by a vote of four (4) in favor (Bixby, Dunnahoo, Rosenbaum, & Famble) and none opposed.

ATTACHMENTS:

Description	Type
Ordinance Cover	Ordinance
Ordinance Exhibit	Exhibit
Staff Report with Maps	Backup Material
Surrounding Property Owner Response	Backup Material
PowerPoint	Presentation

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF ABILENE, TEXAS, AMENDING CHAPTER 23, "LAND DEVELOPMENT CODE," OF THE ABILENE MUNICIPAL CODE, BY CHANGING THE ZONING DISTRICT BOUNDARIES AFFECTING CERTAIN PROPERTIES; CALLING A PUBLIC HEARING; PROVIDING A PENALTY AND AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS:

PART 1: That Chapter 23, part known as the Land Development Code of the City of Abilene, is hereby amended by changing the zoning district boundaries as set out in Exhibit "A," attached hereto and made a part of this ordinance for all purposes.

PART 2: That any person, firm or corporation violating any of the provisions of this chapter shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not more than Five Hundred Dollars ($500.00). Each day such violation shall continue or be permitted to continue, shall be deemed a separate offense.

PART 3: That the Planning Director be, and is hereby authorized and directed to change the official Zoning Map of the City of Abilene to correctly reflect the amendments thereto.

PASSED ON FIRST READING this 28th day of July, A.D. 2016.

A notice of the time and place, where and when said ordinance would be given a public hearing and considered for final passage, was published in the Abilene Reporter-News, a daily newspaper of general circulation in the City of Abilene, said publication being on the 17th day of June, 2016, the same being more than fifteen (15) days prior to a public hearing to be held in the Council Chamber of the City Hall in Abilene, Texas, at 8:30 a.m., on the 11th day of August, 2016 to permit the public to be heard prior to final consideration of this ordinance. Said ordinance, being a penal ordinance, becomes effective ten (10) days after its publication in the newspaper, as provided by Section 19 of the Charter of the City of Abilene.

PASSED ON SECOND AND FINAL READING THIS 11th day of August, A.D. 2016.

ATTEST:

_____
CITY SECRETARY

_____
MAYOR

APPROVED:

_____
CITY ATTORNEY

ORDINANCE NO. _____

EXHIBIT "A"

Rezone property from O (Office) to NR (Neighborhood Retail) zoning.

Legal Description:

NAN LES ADDN, LOT E68 OF LT 1

Location:
3109 & 3117 S. 27th St

-END-

ZONING CASE Z-2016-31
STAFF REPORT

APPLICANT INFORMATION:
Amy L. Sojourner Critz
Agent: Pam Yungblut

HEARING DATES:
P & Z Commission: July 5, 2016
City Council 1st Reading: July 28, 2016
City Council 2nd Reading: August 11, 2016

LOCATION:
3109 & 3117 S. 27th St

REQUESTED ACTION:
Rezone property from O (Office) to NR (Neighborhood Retail) zoning

SITE CHARACTERISTICS:
The subject parcels total approximately 0.25 acres and is currently zoned Office. The parcel is developed with a small office building. The adjacent properties are zoned O to the west & east, RS-6 (Single-Family Residential) to the south, and GR (General Retail) to the north across S. 27th St.

ZONING HISTORY:
The property was annexed in 1957 and zoned Office sometime after.

ANALYSIS:
- Current Planning Analysis
  Currently the property is developed with a small office building. The adjacent properties are developed with similar uses to the east & west, single-family homes to the south, and retail shopping centers to the north. The applicant is proposing to rezone the property to allow for 'personal service' uses such as message therapy, beauty salon, and other similar uses without restriction. When located within an Office district, a personal service use shall not be the principal use, must be located within a larger building housing the primary use, shall not exceed 10% of the floor area, and may only be accessed from the interior of the larger building. The requested change of zoning would allow for a personal service use as a principal use while still allowing for office uses in the building.

- Comprehensive Planning Analysis
  The Future Land Use section of the Comprehensive Plan designates this general area as 'low density residential'. South 27th St is designated as an 'arterial' roadway as well as an 'enhancement corridor'. The NR zoning was created with the Land Development Code to be compatible adjacent to residentially zoned properties. The requested zoning is deemed compatible with the Future Land Use Map and the adjacent properties.

PLANNING STAFF RECOMMENDATION:
Staff recommends approval.

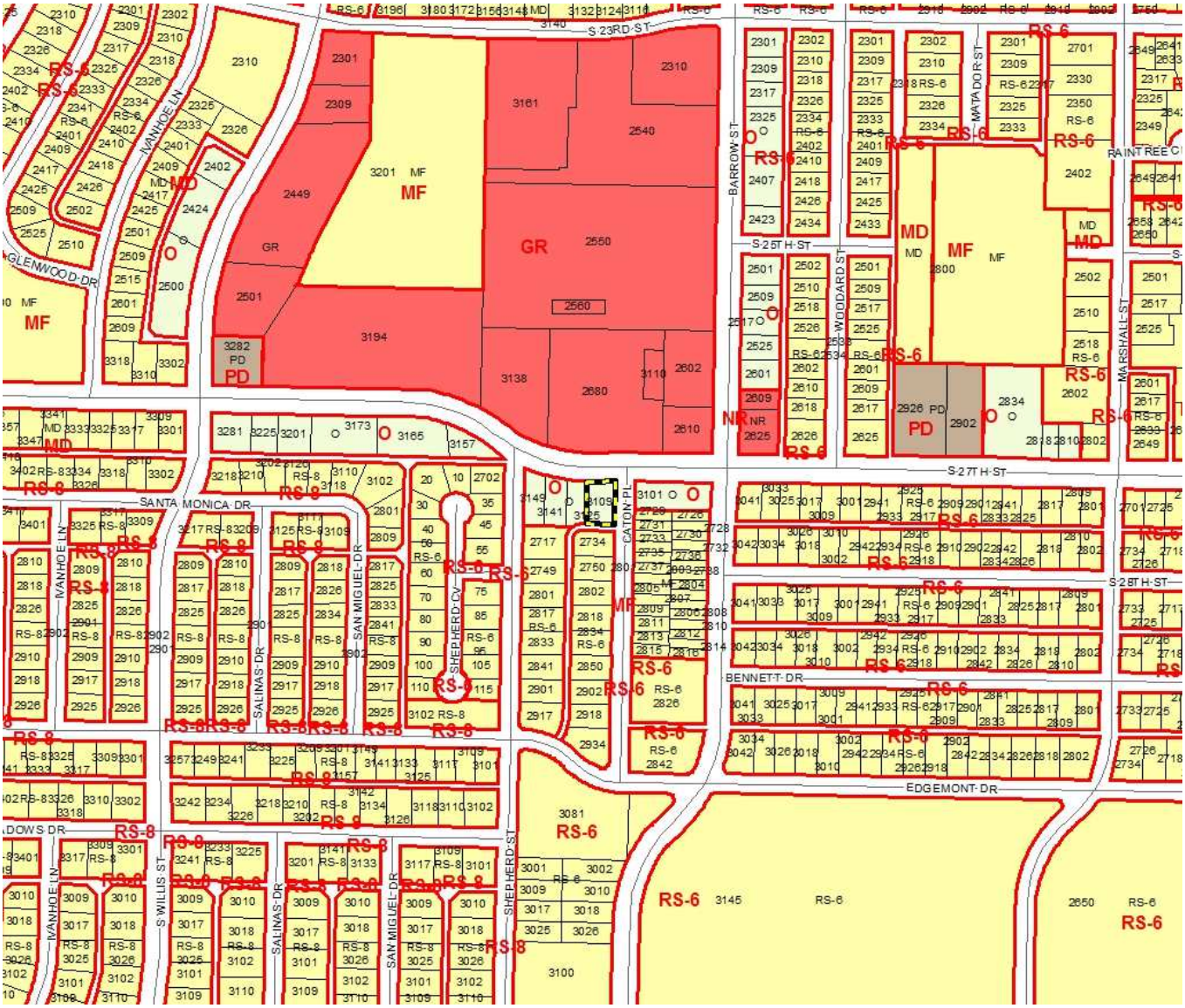
PLANNING AND ZONING COMMISSION RECOMMENDATION:
The Planning and Zoning Commission recommends approval by a vote of four (4) in favor (Bixby, Dunnahoo, Rosenbaum, & Famble) and none opposed.

NOTIFICATION:
Property owners within a 200-foot radius were notified of the request.

OWNER	ADDRESS	RESPONSE
NGUYEN TONY & TRACY TRINH	2610 BARROW ST	
LANTRIP KENNETH L & BETH A	2734 BARROW ST	
CAMARILLO BARRY C & BECKY	2750 CATON PL	
GIL DANNY & GRACIE A	2726 BARROW ST	
SMITH ELIZABETH A	2805 CATON PL	
WALDEN J C	2717 SHEPHERD ST	
MEDINA LAURA PENA	2735 CATON PL	
BRANNON SARAH CATHERINE TRUST	2728 BARROW ST	
WEAVER GINGER	2730 BARROW ST	
SHANKS VIRGINIA	2737 CATON PL	
TRAN RACHEL	2733 CATON PL	
ABILENE CLINIC ASSET HDLG CO LLC	3101 S 27TH ST	
SCJ HOLDINGS A LLC	2729 CATON PL	
HASTY BEVERLY JEAN	2731 CATON PL	
QUINONEZ JOSE A & MIRIAN N	2802 CATON PL	
MONK SHERMAN W	2749 SHEPHERD ST	
BROOKHOLLOW SOUTH-94 JT VNT	2680 BARROW ST	
BOOZER MELBA J	2732 BARROW ST	
CAMARILLO FRANCISCO A & BETTY L	2734 CATON PL	
MEEKS GLENN	2801 SHEPHERD ST	
COX DIEDRA L	2803 CATON PL	
VELEZ ADRIANA	3149 S 27TH ST	
LEIGH RODGERS INVESTMENTS LLC	3109 S 27TH ST	
MAJESTY HOMES LLC	3141 S 27TH ST	In Favor
K & M LIMITED	3138 S 27TH ST	
THOMAS INVESTING VENTURES LLC	3125 S 27TH ST	Opposed
HOLMES RON & LETA	2801 CATON PL	In Favor

2 in Favor- Y

1 Opposed- N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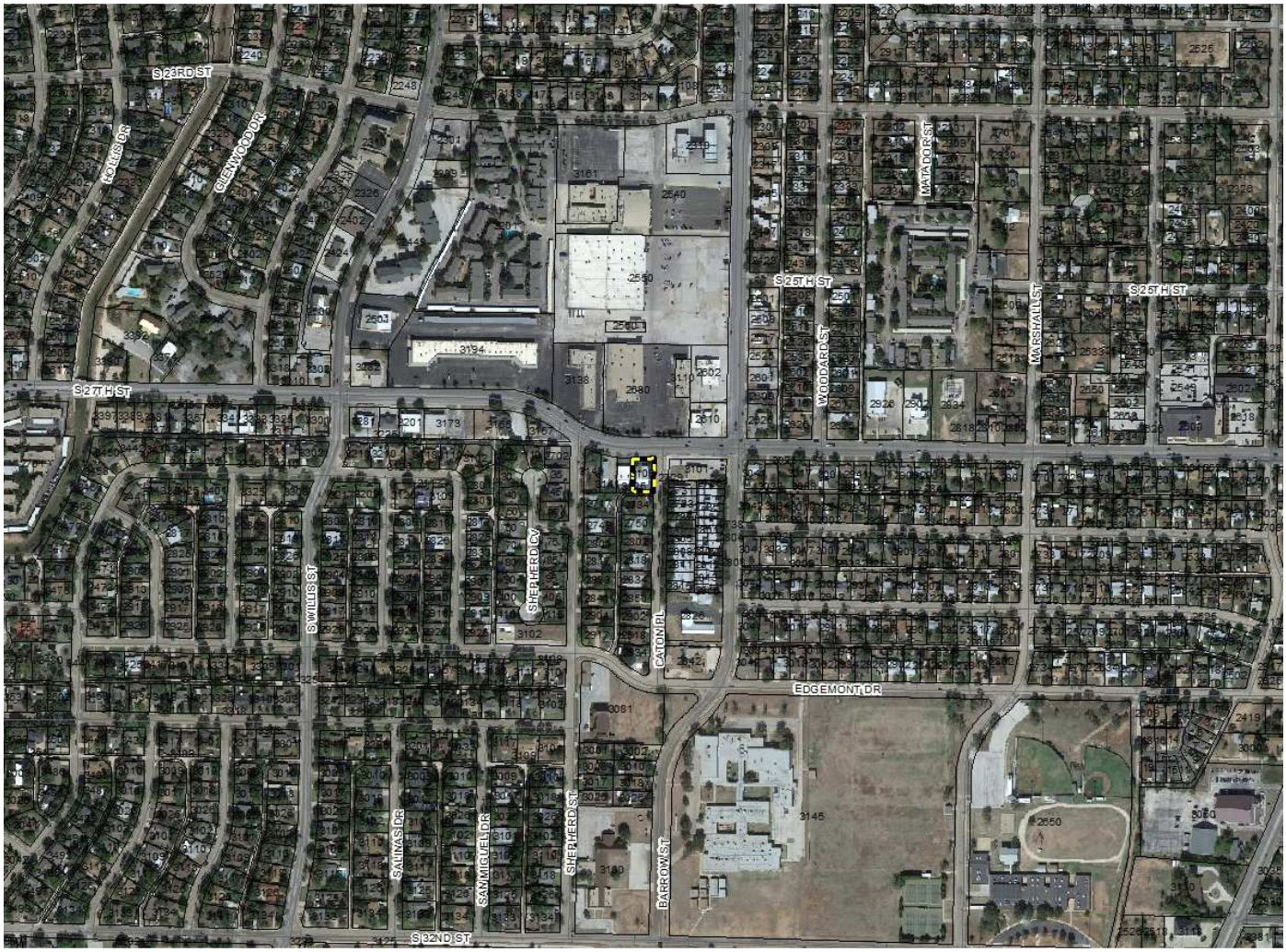
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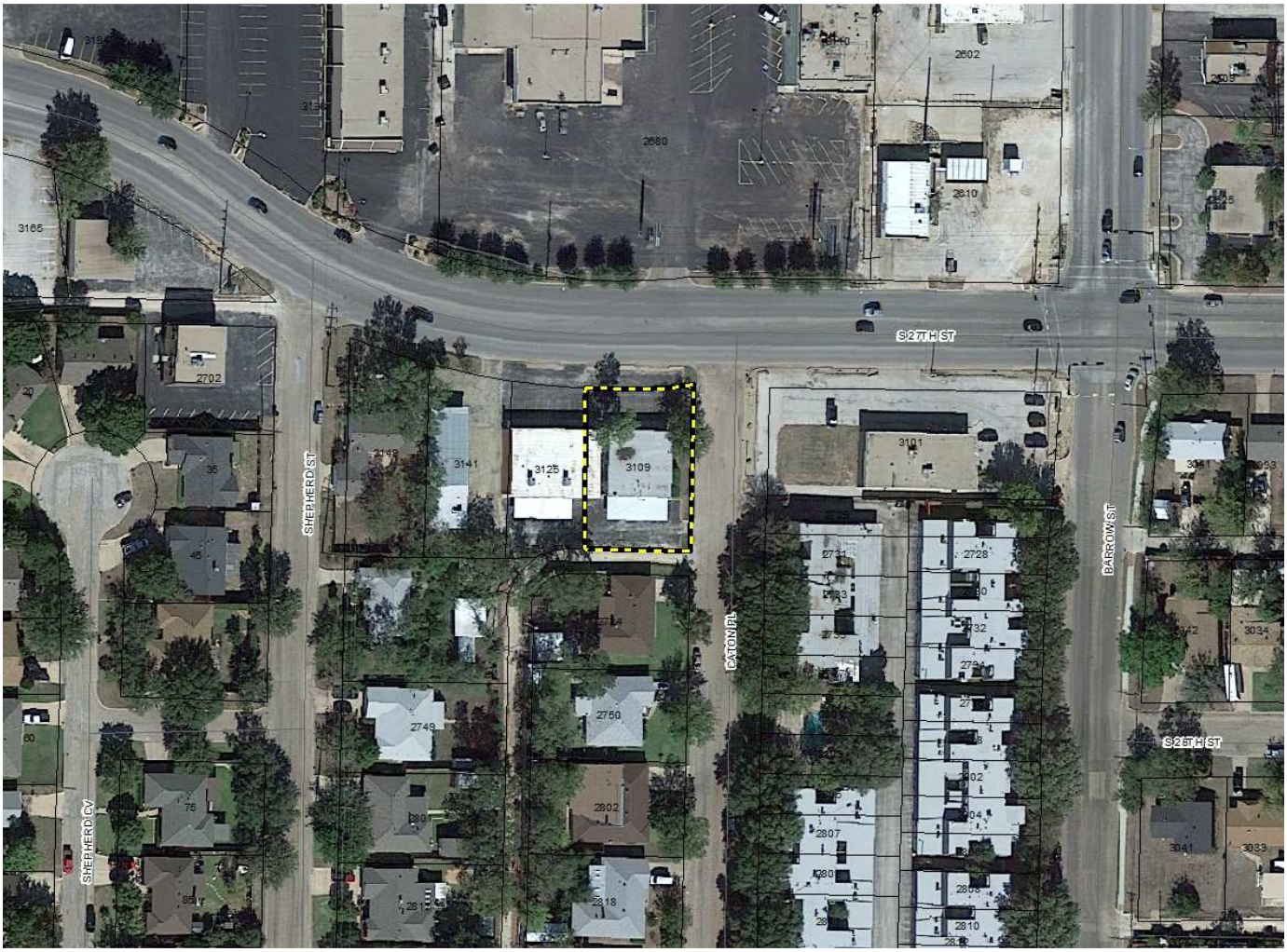
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CITY OF
ABILENE

THOMAS INVESTING VENTURES LLC
3758 WOODRIDGE DR
ABILENE, TX 79605-4942

NOTICE OF PUBLIC HEARING

RE: Rezoning Application Number Z-2016-31 6/23/2016

The Planning and Zoning Commission will hold a public hearing on **Tuesday, July 5, 2016**, at **1:30 PM**, in the City Council Chambers, 2nd Floor, City Hall, N. 5th and Walnut Streets, for the purpose of considering a request from Amy L. Sojourner Critz, agent Pam Yungblut, to rezone property from O (Office) to NR (Neighborhood Retail) zoning, located at 3109 & 3117 S. 27th St.

This hearing is open to any interested person. Opinions, objections and/or comments relative to this matter may be expressed in writing or in person at the hearing. At the bottom of this letter is a form that you may cut off, fill out, and mail. Comments are also accepted by email or fax as listed below. All responses must be signed.

The attached map shows the area of the request. Only that area which is bounded by the cross-hatched line on the map is being considered for rezoning. The solid boundary line around the subject area is only a notification area. If approved by the Planning and Zoning Commission or if denied and appealed to the City Council within the specified ten day period, this case will be heard by the City Council for 2nd and Final Reading with a public hearing on **August 11, 2016**, at 8:30 a.m., City Council Chambers, 2nd Floor, City Hall.

For the PLANNING & ZONING COMMISSION
Please call at (325) 676-6237 if you have any questions about this notice.

CASE #: Z–2016-31
You may indicate your position on the above request by detaching this sheet at the dotted line and returning it to the address below. You may attach additional sheets if needed. You may also fax or email your position to the fax number or email address also listed below. All correspondence must include your name and address.

Name: THOMAS INVESTING VENTURES LLC
Address: 3125 S 27TH ST

Mailing To: Planning and Development Services
P.O. Box 60, Abilene TX 79604

Fax #: (325) 676-6242
email: planning@abilenetx.com

I am in favor ☐ I am opposed ☑

Additional Comments:

It will devalue my property!

325.668.3883

Signature: _____

Z-2016-31

Request: Rezone from O to NR zoning

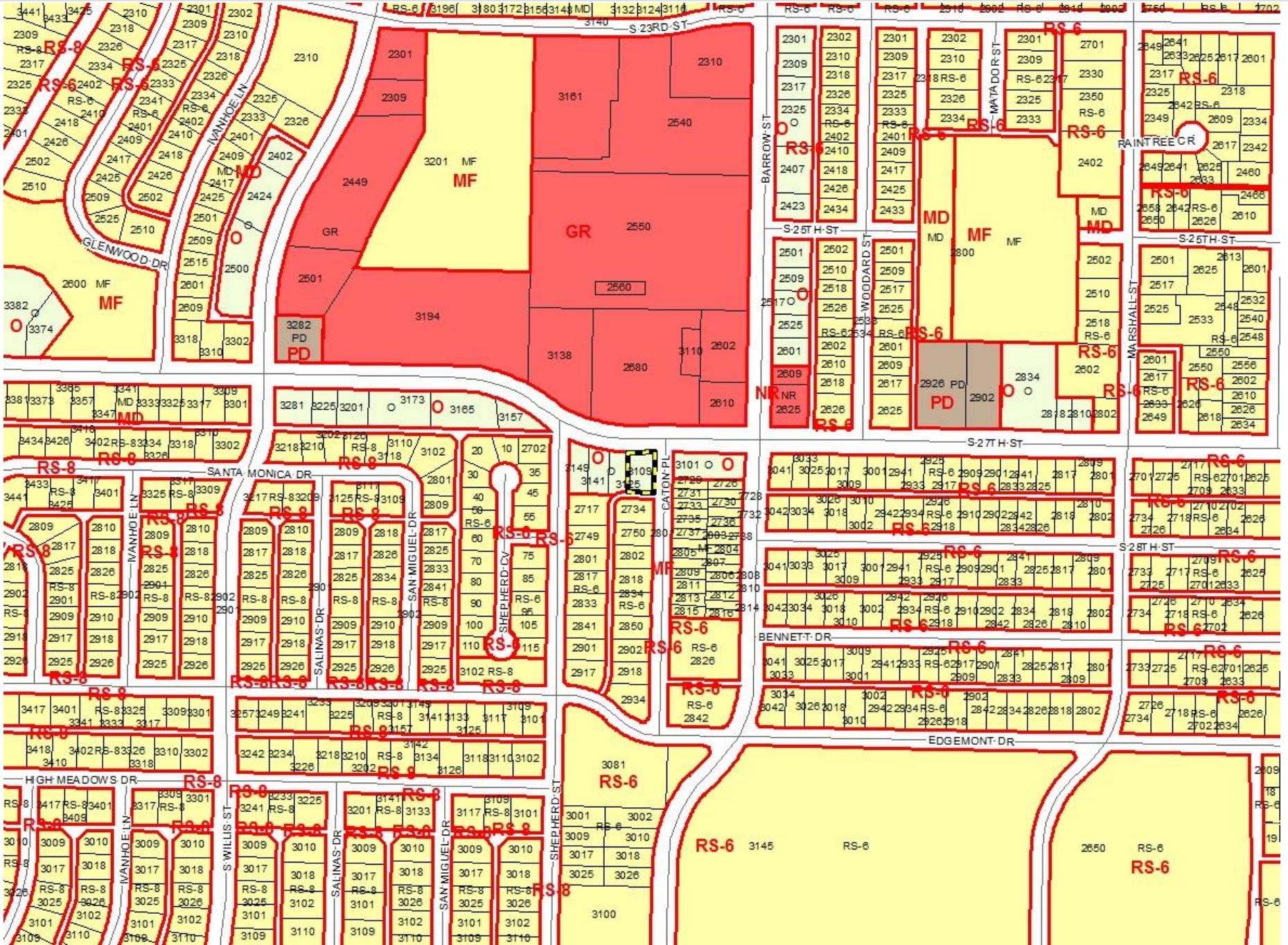
Location: 3109 & 3117 S. 27th St

Notification: 2 in favor; 1 opposed

Staff Recommendation: Approval

P & Z Recommendation: Approval of request (4-0)

Z-2016-31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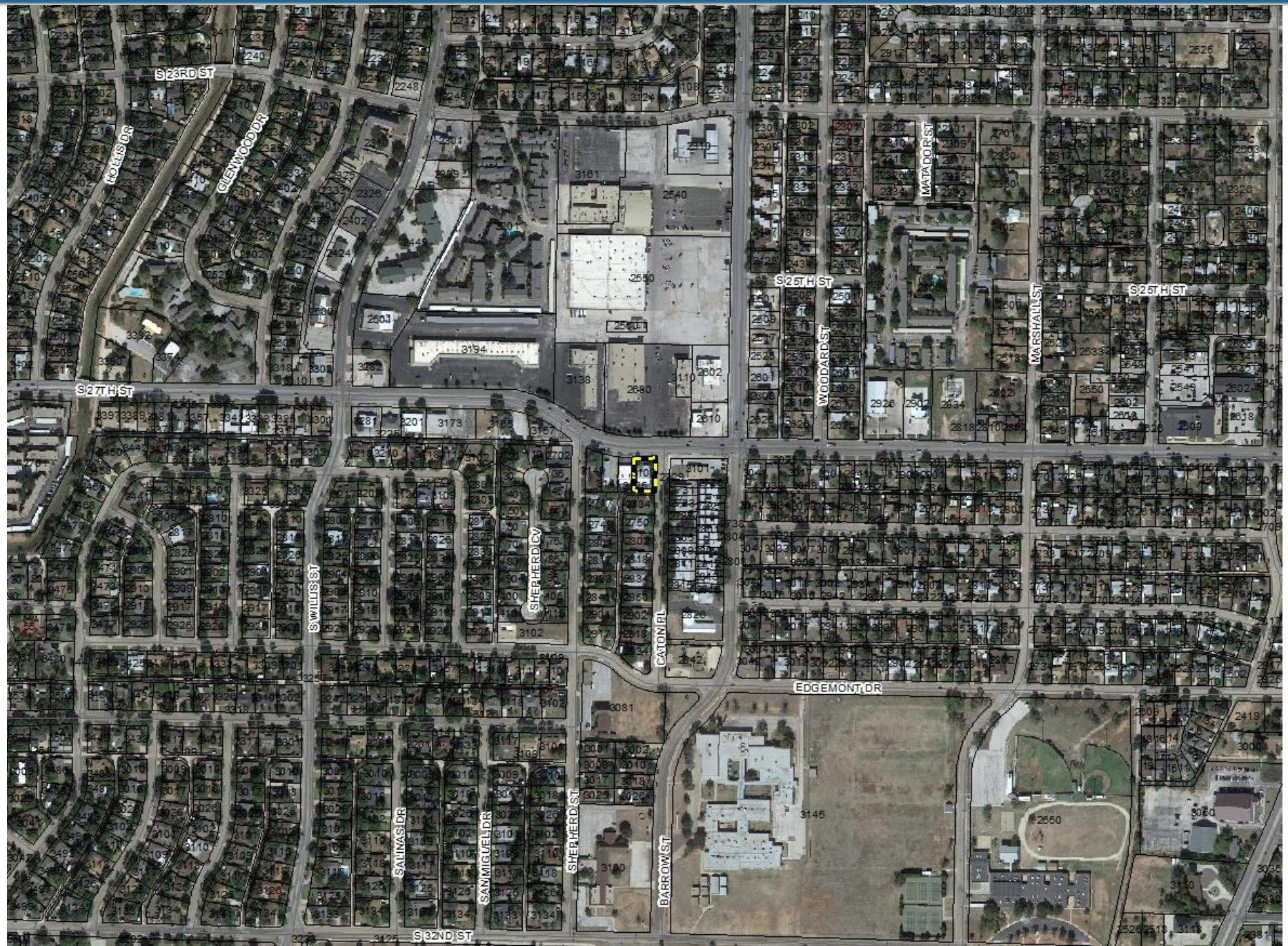
Z-2016-31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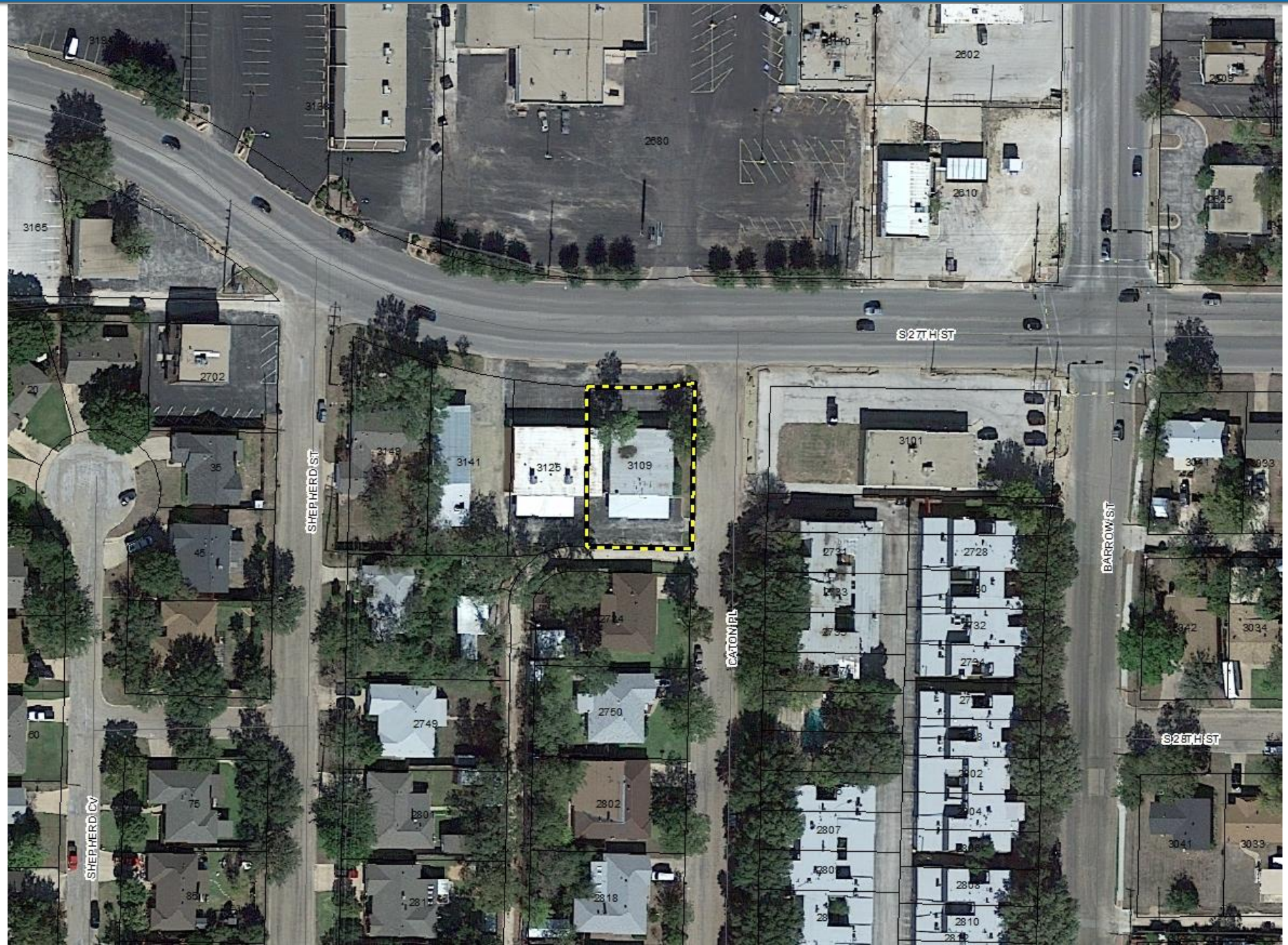
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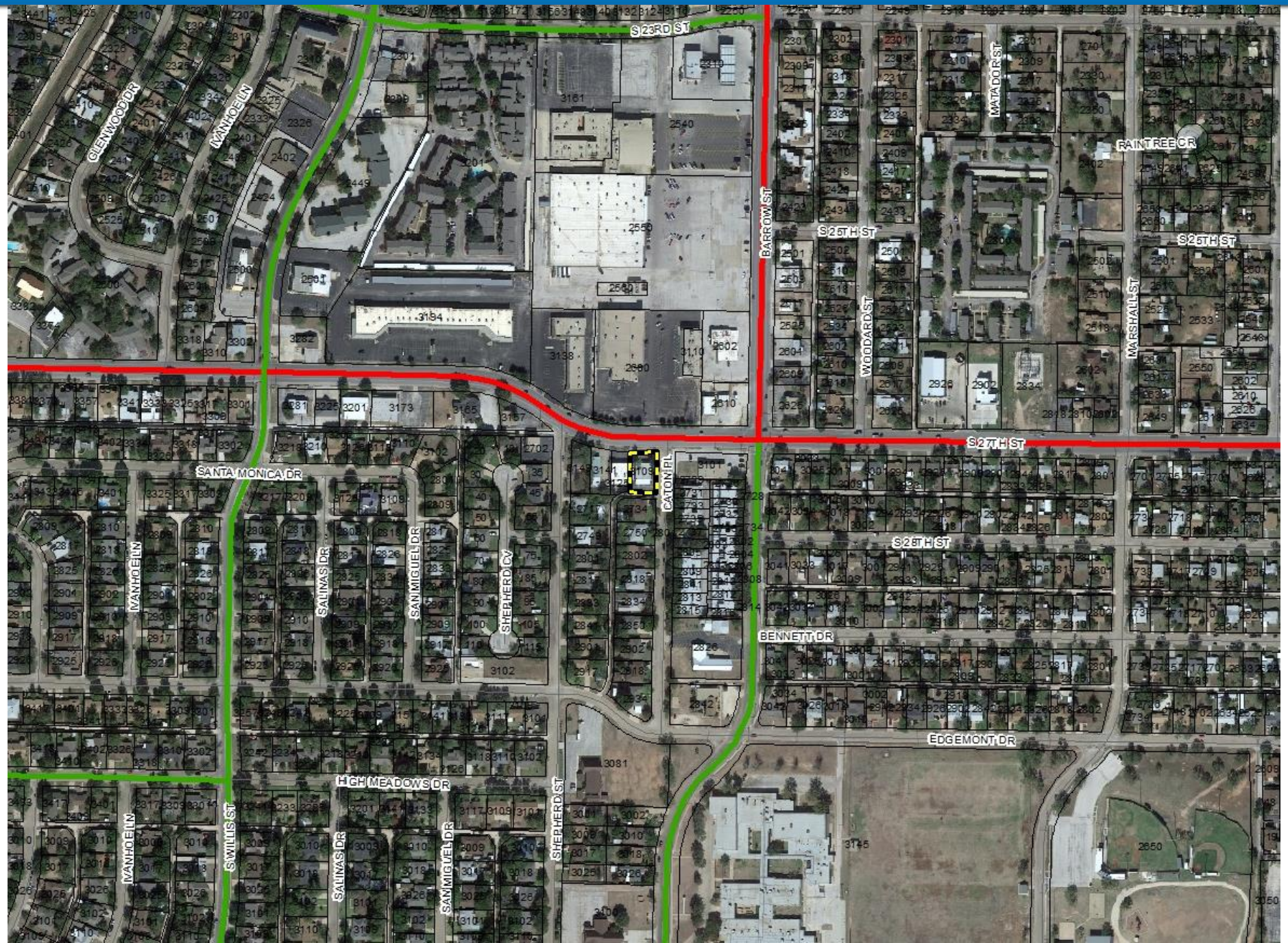
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View looking south toward subject property

View looking south toward subject property

View looking southwest toward neighboring property

View looking southeast toward subject property

View looking northeast along S 27th St.

View looking northwest along S 27th St.

View looking east across Caton Pl.

Permitted Uses in NR Zoning

RESIDENTAL USES:

- P Bed & Breakfast
- P Dwelling – Industrialized Housing Unit
- P Dwelling – Institutional
- P Dwelling – Multiple-Family
- P Dwelling – Single Family Detached
- C Hotel/Motel

ACCESSORY AND INCIDENTAL USES:

- P Accessory Structure (Also see Division 4 of this article)
- P Antenna, Non-Commercial/Amateur
- P ATM's, Self-Serve Kiosks, and Similar Facilities
- P Day Care Operation – Home Based
- C Drive-Thru Facility
- TP Field Office or Construction Office (temporary)
- C Fuel Sales
- P Garage Sales
- P Home Occupation
- C Mobile Home (temporary security residence)
- P Recreation Building, Multipurpose
- C Recycling Collection Point
- P Subdivision Sales Office (temporary)
- P Swimming Pools, Private (accessory to residential use)
- P Tennis Courts, Private (accessory to residential use)

CULTURAL AND RECREATIONAL USES:

- P Civic, Social, and Fraternal Organization
- C Cultural Facilities
- P Recreation – Outdoors (passive)
- C Recreation and Commercial Entertainment - Indoor

GOVERNMENT, HEALTH, SAFETY AND WELFARE USES:

- P Fire/Police Station
- C Medical/Dental Laboratory
- P Post Office
- C Social Service Facility

EDUCATIONAL AND RELIGIOUS USES:

- P Arts School
- P Church or Place of Worship
- P Day-Care Operation - Center-Based
- P School: Public/Private

SERVICE

- C Automobile Wash
- P Laundry/Dry Cleaning Services & Facilities
- P Office (general, professional, financial)
- P Personal Services
- C Printing, Copying, Reproduction, Publishing
- P Repair and Maintenance Services (indoor)
- C Tattoo Parlor
- P Veterinary Service (small animals)

TRADE – RETAIL USES

- P ATM's, Self-Serve Kiosks, and Similar Facilities
- C Fuel Sales
- P Liquor Store (Off Premises Consumption) *(Defined under Liquor Store)*
- C Restaurant, Fast Food
- P Restaurant, Standard
- P Retail Sales/Rental (indoor)

TRANSPORTATION, COMMUNICATION AND UTILITIES:

- C Broadcast Studio
- P Public Utility Facility

RESOURCE PRODUCTION AND EXTRACTION USES:

- P Petroleum or Gas Well

LEGEND

P	Permitted as a Right-of-Use (may be subject to compliance with conditions described within Section 2.4.3 of the Land Development Code)
C	Permitted as a Conditional Use Permit, Requiring Approval by City Council
TP	Permitted by Temporary Permit Only, Requiring Approval by Board of Adjustment

Z-2016-31

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City Council
Agenda Memo

City Council Meeting Date: 8/11/2016

TO: **Robert Hanna, City Manager**

FROM: **Dana Schoening, Director Planning & Development Services**

SUBJECT: **Ordinance & Public Hearing: *(Final Reading)* Z-2016-32 A request from G. Laughlin Partners, LP, agent Jacob & Martin, to rezone property from NR (Neighborhood Retail) to PD (Planned Development) zoning, located at 600 N. Pioneer Dr & 600 N. Jefferson Dr. *(Schoening)***

GENERAL INFORMATION

Currently the property is undeveloped but does have a paved parking lot adjacent to N. Pioneer Dr. Some existing self-service storage units exist to the south and are also owned by the property owner. The adjacent properties are developed with multi-family developments to the north, west & south and a church to the east across N. Pioneer Dr. The applicant is proposing to rezone the property to the PD zoning with the existing NR zoning to remain, to allow for the outdoor storage of boats, RV's, & other similar vehicles & trailers, and to also allow for additional self-service storage units.

The Future Land Use section of the Comprehensive Plan designates this general area as 'low density residential'. North Pioneer Dr is designated as a 'minor arterial' roadway as well as an 'enhancement corridor'. The PD zoning will maintain the NR zoning which is compatible adjacent to residentially zoned properties. The additional requested uses of outdoor storage of boats, RV's, & other similar vehicles & trailers and self-service storage units would be an extension of the existing self-service storage units to the south. However, a setback off of N. Jefferson Dr and some screening may be appropriate from the residentially zoned properties. The requested zoning is deemed compatible with the Future Land Use Map and the adjacent properties.

SPECIAL CONSIDERATIONS

FUNDING/FISCAL IMPACT

STAFF RECOMMENDATION

Staff recommends approval of the proposed PD ordinance

BOARD OR COMMISSION RECOMMENDATION

The Planning and Zoning Commission recommends approval as presented by a vote of four (4) in favor (Bixby, Dunnahoo, Rosenbaum, & Famble) and none opposed.

ATTACHMENTS:

Description	Type
Ordinance	Ordinance
Staff Report with Maps	Backup Material
PowerPoint	Presentation

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF ABILENE, TEXAS, AMENDING CHAPTER 23, "LAND DEVELOPMENT CODE," OF THE ABILENE MUNICIPAL CODE, CONCERNING PD-157 A PLANNED DEVELOPMENT; CALLING A PUBLIC HEARING; PROVIDING A PENALTY AND AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS:

PART 1: That Chapter 23, part known as the Land Development Code of the City of Abilene, is hereby amended by changing the zoning district boundaries as set out in Exhibit "A," attached hereto and made a part of this ordinance for all purposes.

PART 2: That any person, firm or corporation violating any of the provisions of this chapter shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not more than Five Hundred Dollars ($500.00). Each day such violation shall continue or be permitted to continue, shall be deemed a separate offense.

PASSED ON FIRST READING this 28th day of July A.D. 2016.

A notice of the time and place, where and when said ordinance would be given a public hearing and considered for final passage, was published in the Abilene Reporter-News, a daily newspaper of general circulation in the City of Abilene, said publication being on the 17th day of June , 2016, the same being more than fifteen (15) days prior to a public hearing to be held in the Council Chamber of the City Hall in Abilene, Texas, at 8:30 p.m., on the 11th day of August, 2016, to permit the public to be heard prior to final consideration of this ordinance. Said ordinance, being a penal ordinance, becomes effective ten (10) days after its publication in the newspaper, as provided by Section 19 of the Charter of the City of Abilene.

PASSED ON SECOND AND FINAL READING THIS 11th day of August, A.D. 2016.

ATTEST:

_____
CITY SECRETARY

_____
MAYOR

APPROVED:

_____
CITY ATTORNEY

ORDINANCE NO. _____

Exhibit "A"

PART 1: Land Title. Title to land not dedicated to public use and services or for utility purposes and not otherwise designated for development purposes shall remain in possession of the owner thereof, his heirs, assigns, lessees and successors in interest and shall not be the responsibility of the City of Abilene for any purpose.

PART 2: Development Specifications. All development in the Planned Development shall be in accordance with any maps, topographical and drainage plans, utility plans, architectural drawings, site plan, plat, and any other required plans filed in connection with this requested Planned Development, which are hereby incorporated by reference and included as part of this ordinance. All use and development within the Planned Development must be in compliance with the general Comprehensive Zoning Ordinance of the City of Abilene except as otherwise specifically provided herein.

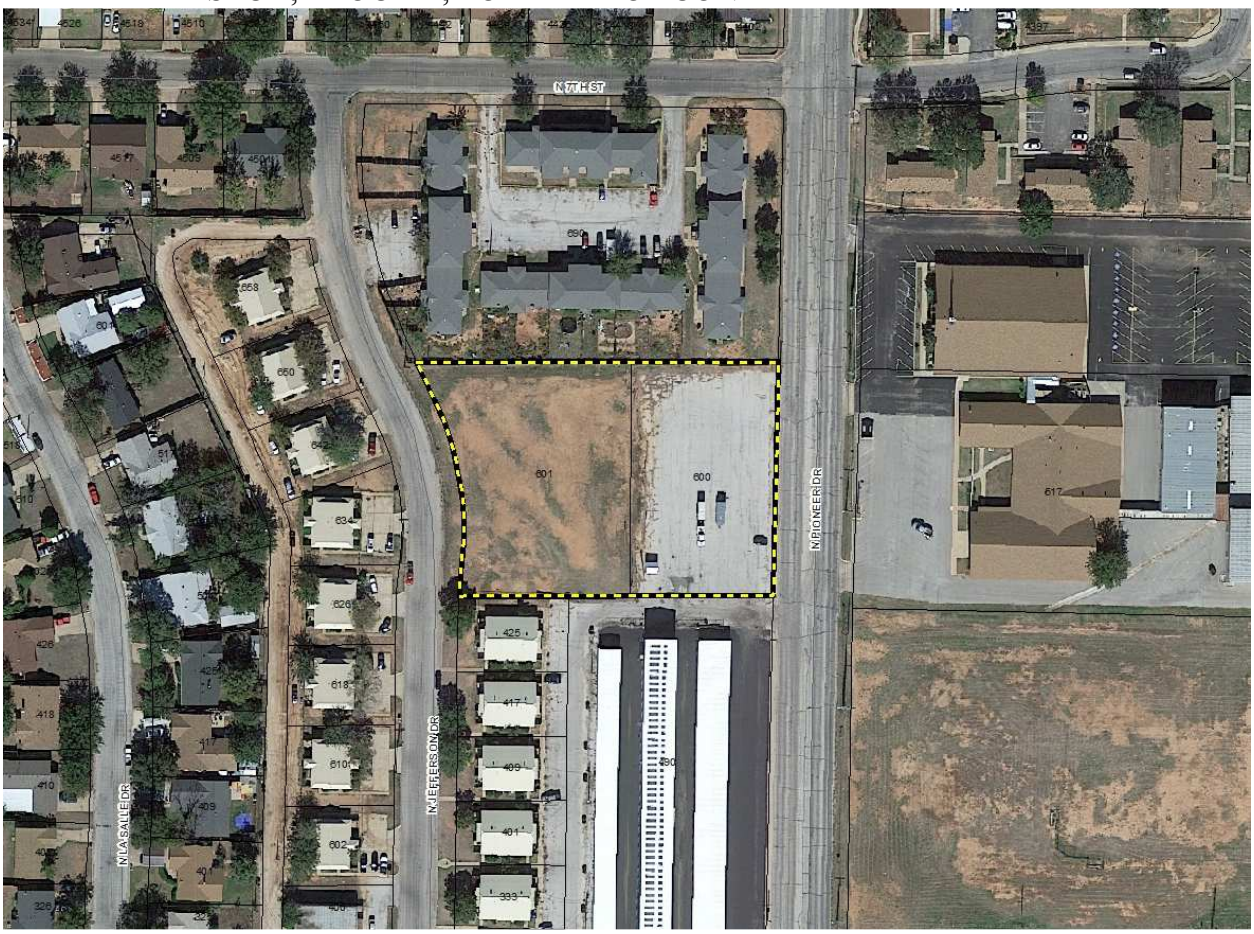
PART 3: Building Specifications. All structures in the herein said Planned Development shall be constructed in accordance with all pertinent building and construction codes of the City of Abilene.

PART 4: Zoning. That Chapter 23, Abilene Municipal Code, part known as the Land Development Code of the City of Abilene, is hereby further amended by changing the zoning district boundaries, as hereinafter set forth: From NR (Neighborhood Retail) to PD (Planned Development) zoning.

That the Planning Director be, and is hereby authorized and directed to change the official Zoning Map of the City of Abilene to correctly reflect the amendments thereto.

PART 5: Legal Description. The legal description of this PD is as follows:

PARK PLAZA SEC 1, BLOCK L, LOT 1 EXT OF CONT
PARK PLAZA SEC 1, BLOCK L, LOT 2 EXT OF CONT



Location:
600 N. Pioneer Dr & 600 N. Jefferson Dr

PART 6: Purpose. The purpose of the Planned Development (PD) request is to allow for NR (Neighborhood Retail) uses, outdoor storage of boats, RV's, & other similar vehicles & trailers, & additional self-service storage units.

PART 7: Specific Modifications. This Planned Development shall be subject to the requirements of the NR (Neighborhood Retail) zoning district, except as modified below:

1) PERMITTED USES:
    a. Outdoor storage of boats, RV's, & other similar vehicles & trailers shall be allowed as a principal use
    b. Self-Service Storage Units shall be allowed as a principal use.

2) DEVELOPMENT REGULATIONS: When developed as outdoor storage of boats, RV's, & other similar vehicles & trailers and/or a self-service storage unit facility the following shall apply:

    a. Setbacks: A fifty foot (50') setback shall be required along the west property line adjacent to N. Jefferson Dr for buildings, parking areas, & outdoor storage.

    b. Bufferyards shall be required along the south & north boundaries adjacent to residential zoning districts.

    c. Landscaping shall be required along the west property line adjacent to N. Jefferson Dr as required per site plan requirements (including but not limited to: 10' landscape strip, 1 tree per 60 linear feet, & a 3' screen, berm, or hedgerow).

-END-

ZONING CASE Z-2016-32
STAFF REPORT

APPLICANT INFORMATION:
G. Laughlin Partners, LP
Agent: Jacob & Martin

HEARING DATES:
P & Z Commission: July 5, 2016
City Council 1st Reading: July 28, 2016
City Council 2nd Reading: August 11, 2016

LOCATION:
600 N. Pioneer Dr & 600 N. Jefferson Dr

REQUESTED ACTION:
Rezone property from NR (Neighborhood Retail) to PD (Planned Development) zoning

SITE CHARACTERISTICS:
The subject parcels total approximately 1.61 acres and is currently zoned NR. The parcel is undeveloped but does have a paved parking lot adjacent to N. Pioneer Dr. The adjacent properties are zoned MF (Multi-Family Residential) to the north & west, MF & GC (General Commercial) to the south, and RS-8 (Single-Family Residential), HC (Heavy Commercial), & MF zoning to the east across N. Pioneer Dr.

ZONING HISTORY:
The property was annexed in 1957 and zoned NR sometime after.

ANALYSIS:
- Current Planning Analysis
  Currently the property is undeveloped but does have a paved parking lot adjacent to N. Pioneer Dr. Some existing self-service storage units exist to the south and are also owned by the property owner. The adjacent properties are developed with multi-family developments to the north, west & south and a church to the east across N. Pioneer Dr. The applicant is proposing to rezone the property to the PD zoning with the existing NR zoning to remain, to allow for the outdoor storage of boats, RV's, & other similar vehicles & trailers, and to also allow for additional self-service storage units.

- Comprehensive Planning Analysis
  The Future Land Use section of the Comprehensive Plan designates this general area as 'low density residential'. North Pioneer Dr is designated as a 'minor arterial' roadway as well as an 'enhancement corridor'. The PD zoning will maintain the NR zoning which is compatible adjacent to residentially zoned properties. The additional requested uses of outdoor storage of boats, RV's, & other similar vehicles & trailers and self-service storage units would be an extension of the existing self-service storage units to the south. However, a setback off of N. Jefferson Dr and some screening may be appropriate from the residentially zoned properties. The

requested zoning is deemed compatible with the Future Land Use Map and the adjacent properties.

PLANNING STAFF RECOMMENDATION:

Staff recommends approval of the proposed PD ordinance.

PLANNING AND ZONING COMMISSION RECOMMENDATION:

The Planning and Zoning Commission recommends approval as presented by a vote of four (4) in favor (Bixby, Dunnahoo, Rosenbaum, & Famble) and none opposed.

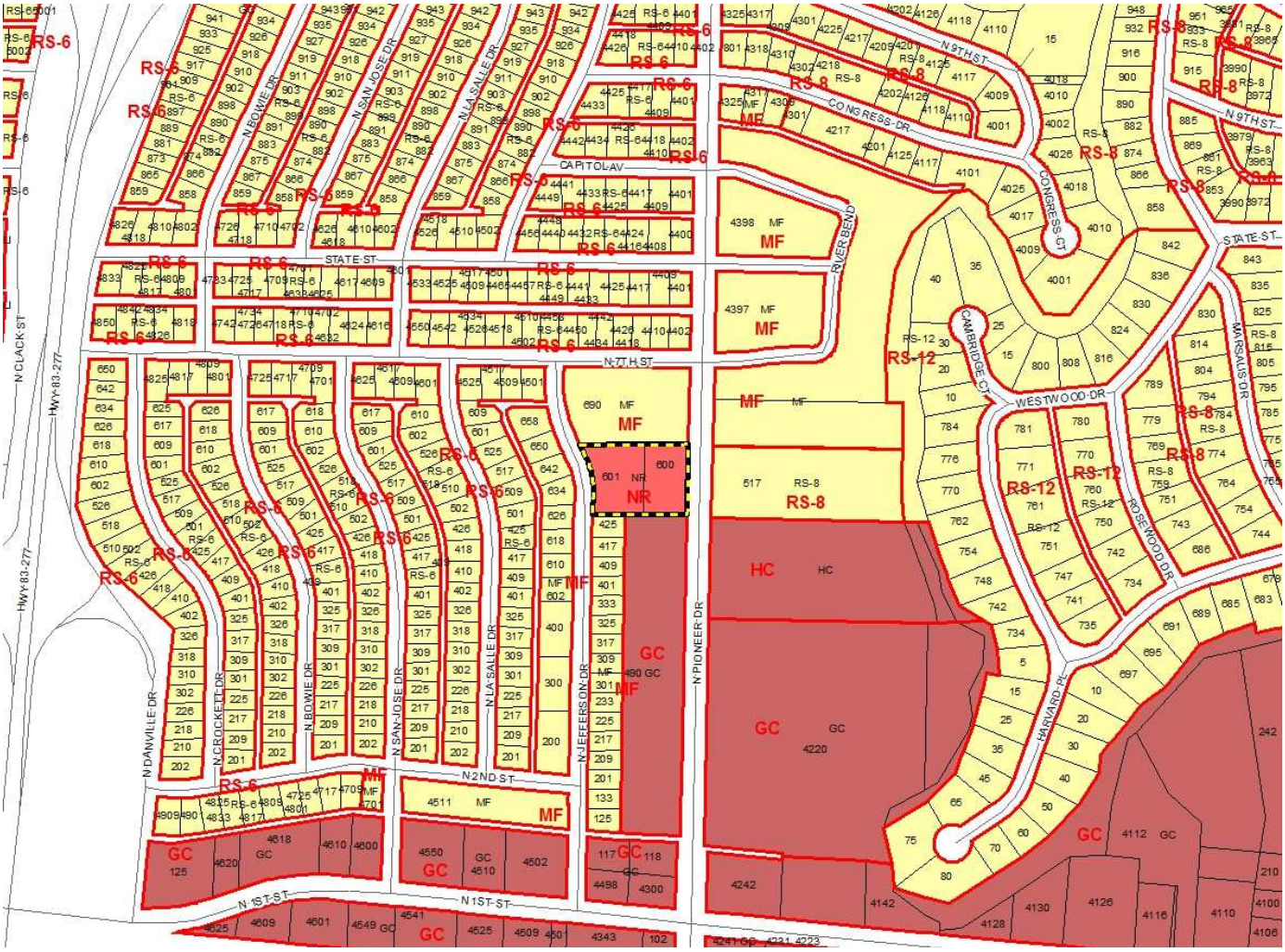
NOTIFICATION:

Property owners within a 200-foot radius were notified of the request.

OWNER	ADDRESS	RESPONSE
HENRY JOHN LLC	690 N PIONEER DR	
NT ROMANS 8 28 38 39 LLC	618 N JEFFERSON DR	
DAMA PROPERTIES LLC	658 N JEFFERSON DR	
DAMA PROPERTIES LLC	650 N JEFFERSON DR	
DAMA PROPERTIES LLC	642 N JEFFERSON DR	
G LAUGHLIN PARTNERS	600 N JEFFERSON DR	
ELMCREST BAPTIST CHURCH		
ELMCREST BAPTIST CHURCH		
NT ROMANS 8 28 38 39 LLC	610 N JEFFERSON DR	
DAMA PROPERTIES LLC	425 N JEFFERSON DR	
ELMCREST BAPTIST CHURCH	517 N PIONEER DR	
DAMA PROPERTIES LLC	634 N JEFFERSON DR	
G LAUGHLIN PARTNERS	600 N PIONEER DR	
NT ROMANS 8 28 38 39 LLC	626 N JEFFERSON DR	
DAMA PROPERTIES LLC	401 N JEFFERSON DR	
DAMA PROPERTIES LLC	417 N JEFFERSON DR	
G LAUGHLIN PARTNERS	490 N PIONEER DR	
DAMA PROPERTIES LLC	409 N JEFFERSON DR	
POPE HENRY E	517 N LA SALLE DR	
GRANADOS RAMON	4501 N 7TH ST	
MC ATEE ROBERT	509 N LA SALLE DR	
BAKER VIRGINIA B	425 N LA SALLE DR	
MONROE WAYNNE EVELYN TR OF	501 N LA SALLE DR	
HOUSING AUTHORITY OF ABL	797 RIVER BEND	

0 in Favor- **Y**

0 Opposed- **N**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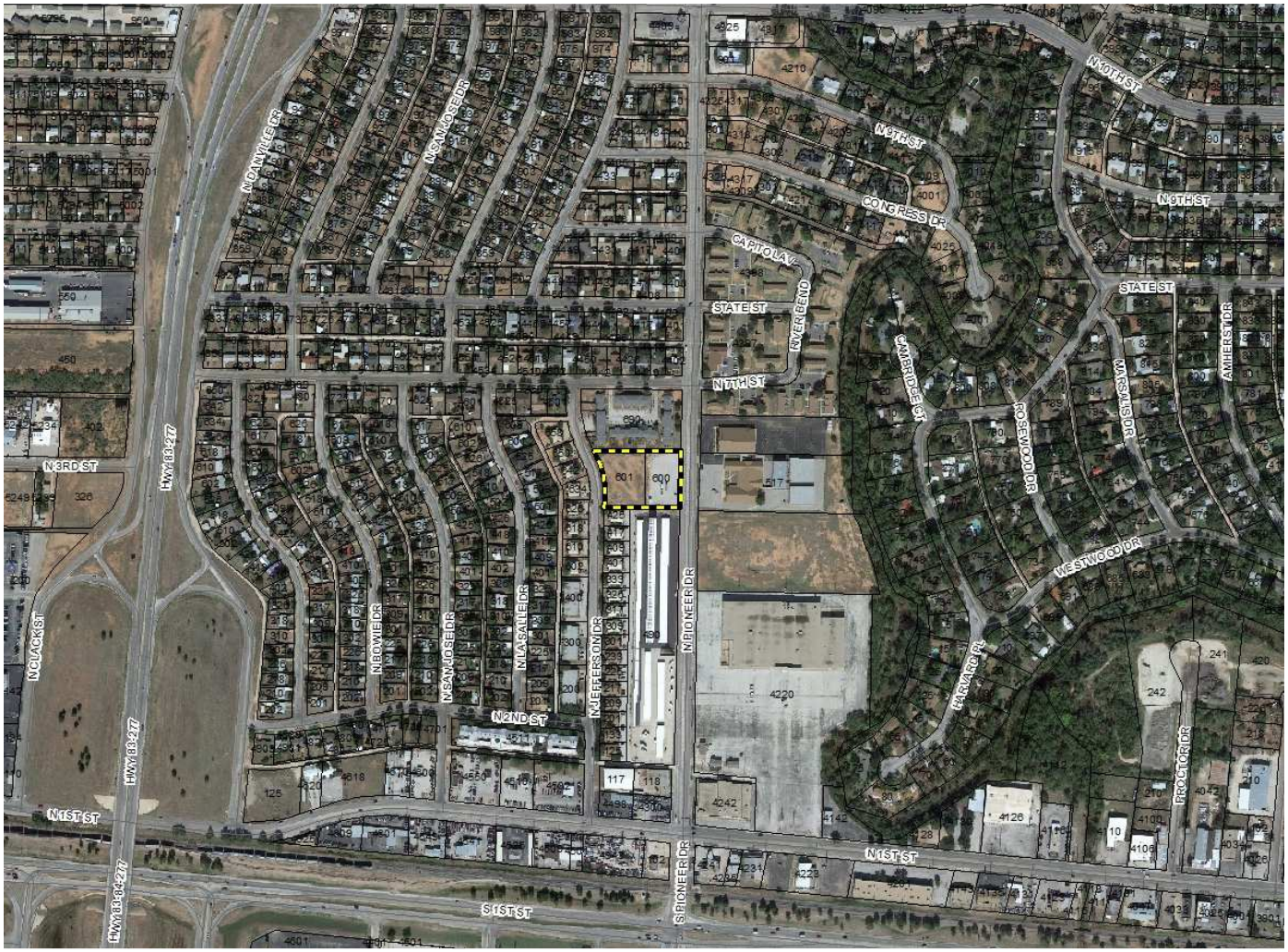
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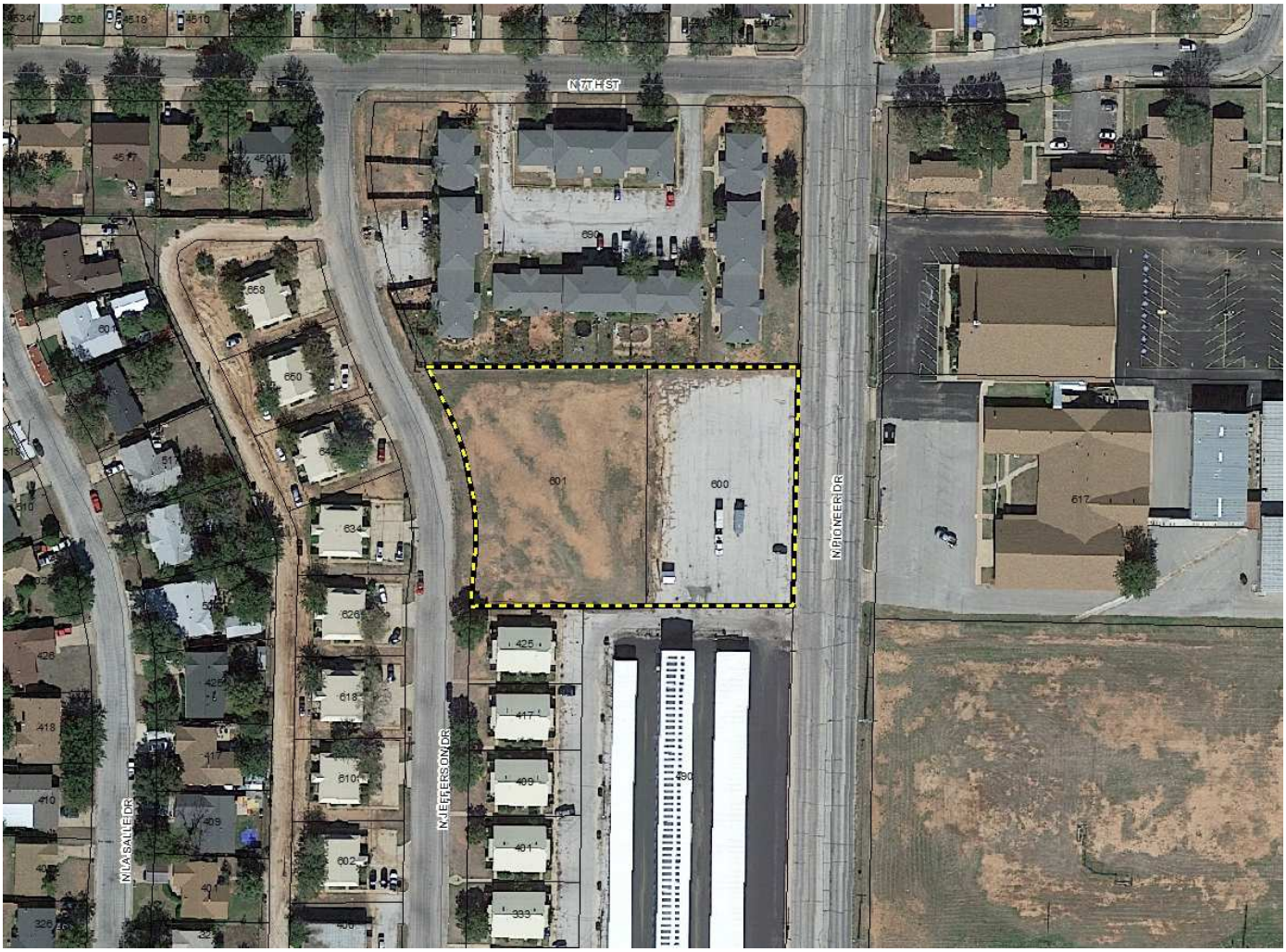
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Z-2016-32

Request: Rezone from NR to PD zoning

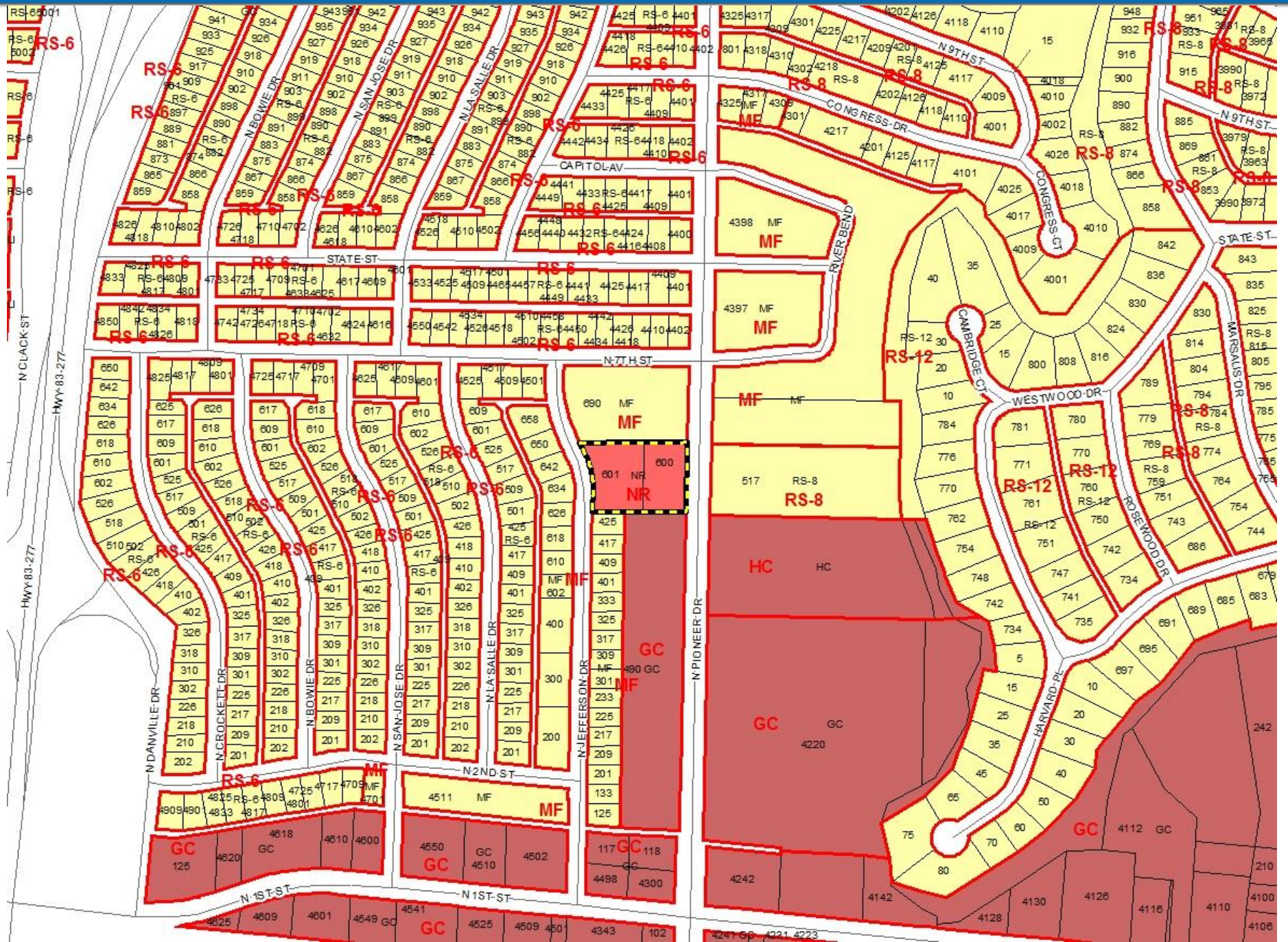
Location: 600 N. Pioneer Dr. & 600 N. Jefferson Dr.

Notification: 0 in favor; 0 opposed

Staff Recommendation: Approval

P & Z Recommendation: Approval of request as presented (4-0)

Z-2016-32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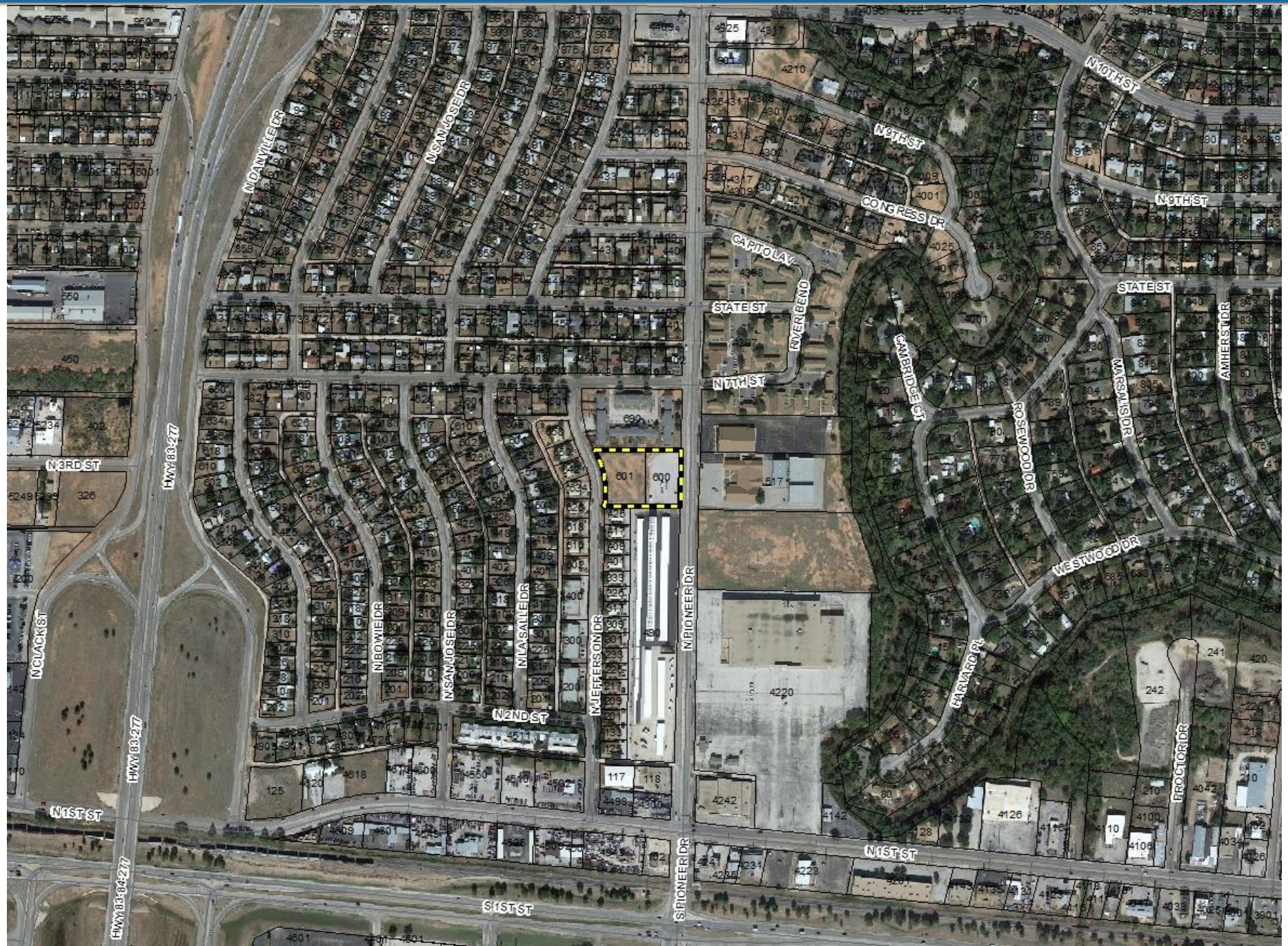
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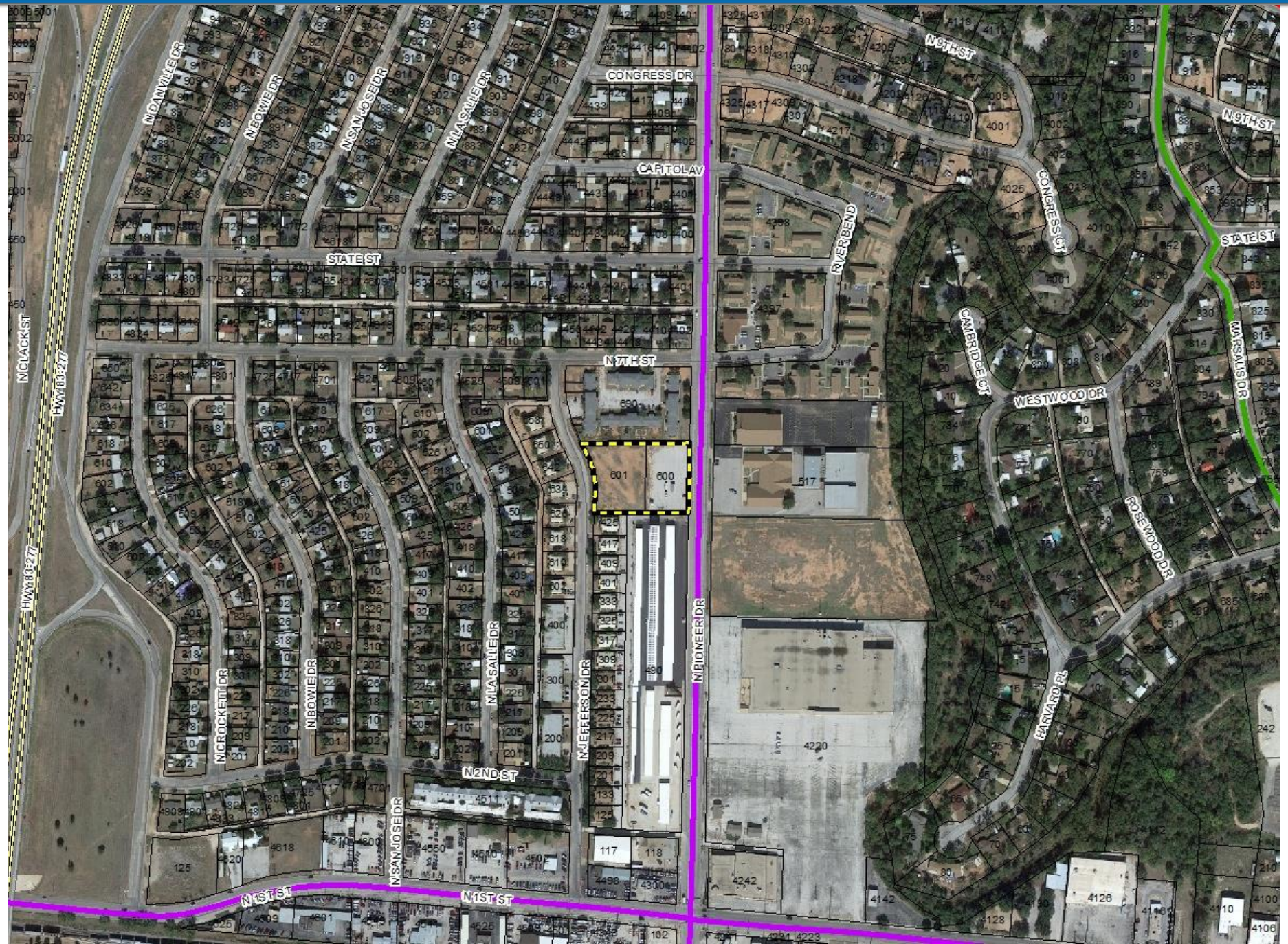
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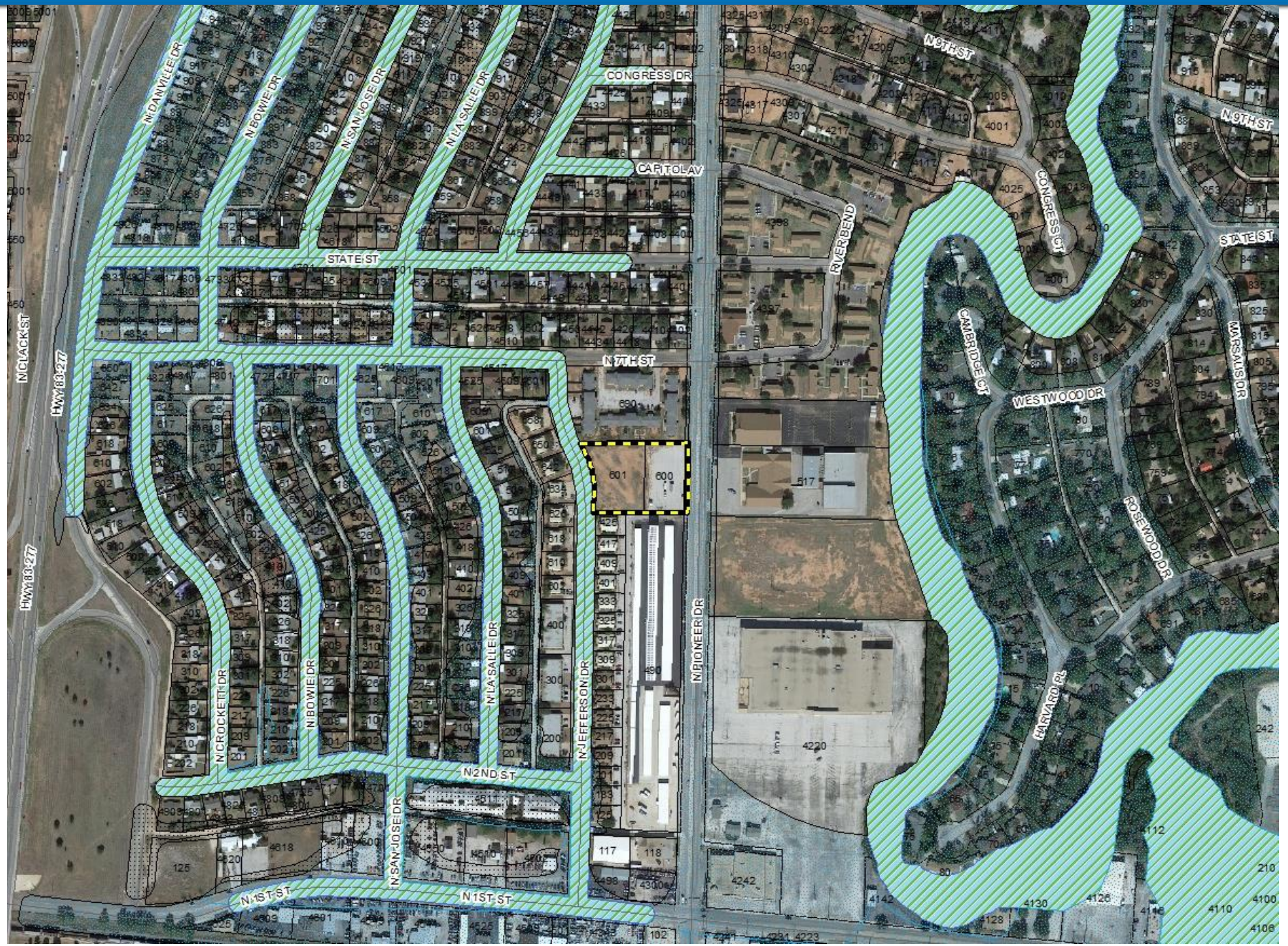
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View looking west toward subject property from N. Pioneer Dr

View looking northwest toward subject property

View looking southwest toward subject property

View looking southwest toward subject property

View looking south along N Pioneer Dr.

View looking south along N Pioneer Dr.

View looking west toward subject property

View looking east toward subject property

View looking north along N Jefferson Dr.

Permitted Uses in NR Zoning

RESIDENTAL USES:

P	Bed & Breakfast
P	Dwelling – Industrialized Housing Unit
P	Dwelling – Institutional
P	Dwelling – Multiple-Family
P	Dwelling – Single Family Detached
C	Hotel/Motel

ACCESSORY AND INCIDENTAL USES:

P	Accessory Structure (Also see Division 4 of this article)
P	Antenna, Non-Commercial/Amateur
P	ATM's, Self-Serve Kiosks, and Similar Facilities
P	Day Care Operation – Home Based
C	Drive-Thru Facility
TP	Field Office or Construction Office (temporary)
C	Fuel Sales
P	Garage Sales
P	Home Occupation
C	Mobile Home (temporary security residence)
P	Recreation Building, Multipurpose
C	Recycling Collection Point
P	Subdivision Sales Office (temporary)
P	Swimming Pools, Private (accessory to residential use)
P	Tennis Courts, Private (accessory to residential use)

CULTURAL AND RECREATIONAL USES:

P	Civic, Social, and Fraternal Organization
C	Cultural Facilities
P	Recreation – Outdoors (passive)
C	Recreation and Commercial Entertainment - Indoor

GOVERNMENT, HEALTH, SAFETY AND WELFARE USES:

P	Fire/Police Station
C	Medical/Dental Laboratory
P	Post Office
C	Social Service Facility

EDUCATIONAL AND RELIGIOUS USES:

P	Arts School
P	Church or Place of Worship
P	Day-Care Operation - Center-Based
P	School: Public/Private

SERVICE

C	Automobile Wash
P	Laundry/Dry Cleaning Services & Facilities
P	Office (general, professional, financial)
P	Personal Services
C	Printing, Copying, Reproduction, Publishing
P	Repair and Maintenance Services (indoor)
C	Tattoo Parlor
P	Veterinary Service (small animals)

TRADE – RETAIL USES

P	ATM's, Self-Serve Kiosks, and Similar Facilities
C	Fuel Sales
P	Liquor Store (Off Premises Consumption) *(Defined under Liquor Store)*
C	Restaurant, Fast Food
P	Restaurant, Standard
P	Retail Sales/Rental (indoor)

TRANSPORTATION, COMMUNICATION AND UTILITIES:

C	Broadcast Studio
P	Public Utility Facility

RESOURCE PRODUCTION AND EXTRACTION USES:

P	Petroleum or Gas Well

LEGEND

P	Permitted as a Right-of-Use (may be subject to compliance with conditions described within Section 2.4.3 of the Land Development Code)
C	Permitted as a Conditional Use Permit, Requiring Approval by City Council
TP	Permitted by Temporary Permit Only, Requiring Approval by Board of Adjustment

Requested PD Zoning

This Planned Development shall be subject to the requirements of the NR (Neighborhood Retail) zoning district, except as modified below:

PERMITTED USES:

- Outdoor storage of boats, RV's, and other similar vehicles & trailers shall be allowed as a principal use.
- Self-Service Storage Units shall be allowed as a principal use.

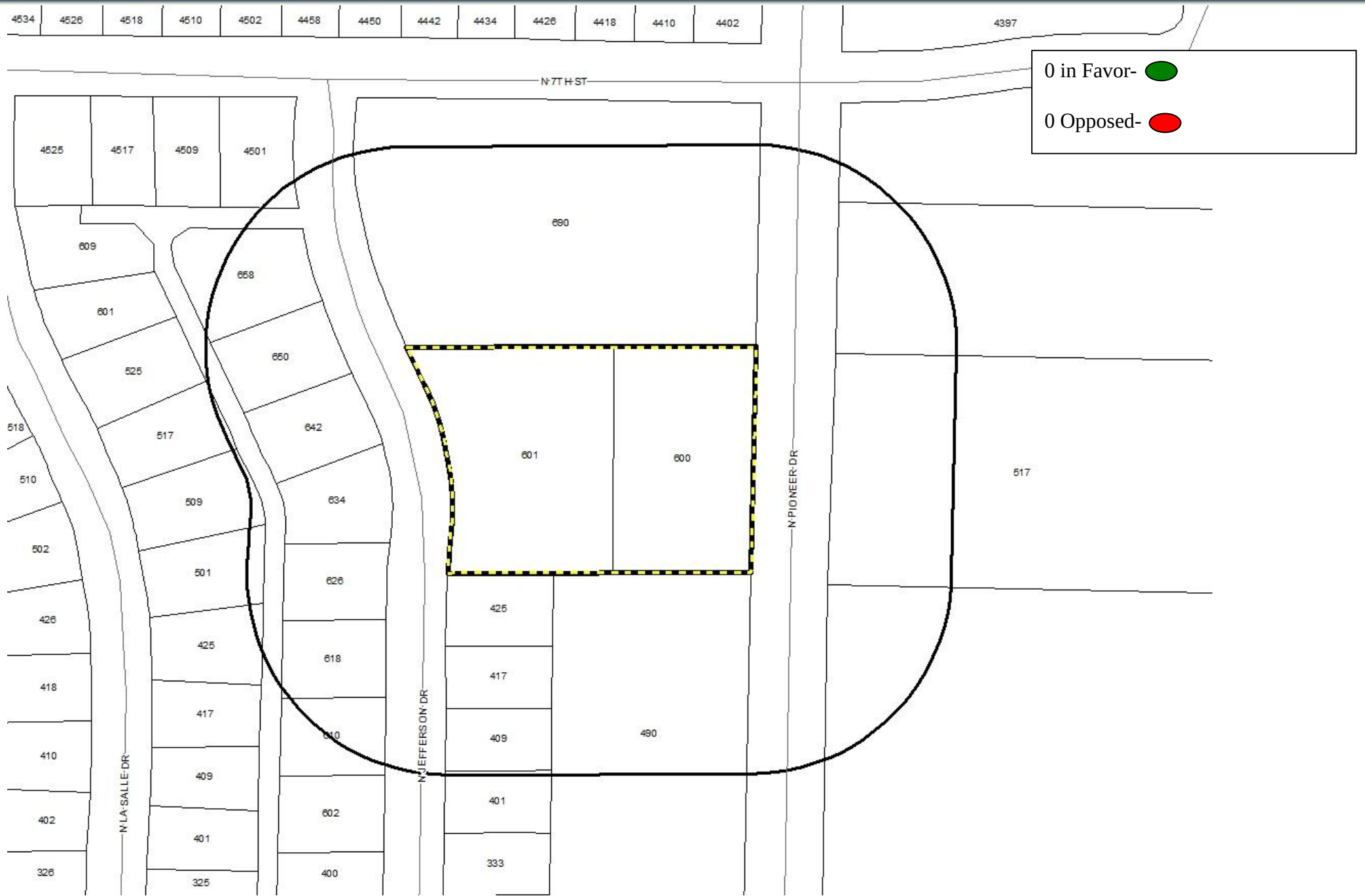
DEVELOPMENT REGULATIONS: When developed as outdoor storage of boats, RV's, & other similar vehicles & trailers and/or a self-service storage unit facility the following shall apply:

a) Setbacks: A fifty foot (50') setback shall be required along the west property line adjacent to N. Jefferson Dr for buildings, parking areas, & outdoor storage.

b) Bufferyards shall be required along the south & north boundaries adjacent to residential zoning districts.

c) Landscaping shall be required along the west property line adjacent to N. Jefferson Dr as required per site plan requirements (including but not limited to: 10' landscape strip, 1 tree per 60 linear feet, & a 3' screen, berm, or hedgerow).

Z-2016-32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City Council
Agenda Memo

City Council Meeting Date: 8/11/2016

TO: **Robert Hanna, City Manager**

FROM: **Larry Bell, Fire Chief**

SUBJECT: **Resolution: Authorizing the City Manager to execute an agreement with Parkhill, Smith, & Cooper to provide design services and construction administration services in support of the City of Abilene Fire Station #7 and the City of Abilene Fire Station #3. *(Bell)***

GENERAL INFORMATION

The City of Abilene and Parkhill, Smith, & Cooper, entered into a professional services contract dated March 21, 2016, whereby the consultant was to provide design services and construction administration services in support of the City of Abilene Fire Station #4. This item allows the City to proceed with design services and construction administration services in support of the City of Abilene Fire Station #7 and the City of Abilene Fire Station #3.

SPECIAL CONSIDERATIONS

Consultant has provided the Scope of Work and Fee for Fire Station #7 (Attachment B) and the Scope of Work and Fee for Fire Station #3 (Attachment C).

FUNDING/FISCAL IMPACT

Funded from voter approved General Obligation bonds. $129,500 is the design fee for each of the two stations, Station 7 and Station 3. The total amount of the amendment is $259,000 ($129,500 x 2).

STAFF RECOMMENDATION

Staff recommends the City Council approve a resolution authorizing the City Manager to execute an agreement with Parkhill, Smith, & Cooper to provide design services and construction administration services in support of the City of Abilene Fire Station #7 and the City of Abilene Fire Station #3.

BOARD OR COMMISSION RECOMMENDATION

ATTACHMENTS:

Description	Type

- Professional Services Contract Attachment B — Backup Material
- Professional Services Contract Attachment C — Backup Material
- Resolution — Resolution Letter
- Presentation — Presentation

ATTACHMENT B

Abilene Fire Station #7

Basic Services

Design Development Phase

1. Based on the approved Prototype Station Design and any further adjustments in the scope or quality of the Project or in the construction budget authorized by the Owner, the A/E will prepare, for approval by the Owner, Design Development Documents setting forth the final configuration of the buildings and the products to be used for the construction of the Project as modified from the prototype station design. The documents may include the following based on the modifications to the Prototype Station Design:
    a. Updated Floor plans
    b. Civil Site plans
    c. Interior elevations of millwork or significant features
    d. Updated code plan
    e. Reflected ceiling plan
    f. Lighting plan indicating type and location of light fixtures
    g. Power/communications plan indicating outlet locations
    h. Mechanical plan showing location of major equipment
    i. Plumbing plan showing location of fixtures
    j. Finish schedule indicating materials
    k. Outline specifications

2. The A/E will collaborate with the CMAR to make any adjustments to previous Opinion of Probable Construction Cost required by changes to the scope or market conditions.

Construction Document Phase

1. Based on the approved Design Development Documents and any further adjustments in the scope or quality of the Project or in the construction budget authorized by the Owner, the A/E will prepare, for approval by the Owner, a digital package of Construction Documents consisting of Drawings and Specifications setting forth the requirements for the construction of the Project as modified from the Prototype Station Design.

2. The A/E will inform the Owner to the best of their knowledge and will assist the Owner in connection with the Owner's responsibility for filing documents required for approval of governmental authorities having jurisdiction over the Project.

3. Any design changes made during the Construction Document Phase will be considered Additional Services and will be billed on an hourly basis. The current hourly rates are enclosed.

Services specifically excluded from our scope of services include, but are not limited to, the following:

- Asbestos and Hazardous Materials Studies
- Third-party Independent Construction Inspection Services
- Construction Material Testing

Our fees for the ***Basic Services*** described above will be based on a lump sum amount of $40,000 and will be billed on a percentage complete method. Should the scope of services described above change during the Project, the lump sum amount will be adjusted either up or down by a mutually agreed upon amount or based on an hourly rate method using the A/E's standard hourly rate schedule.

Reimbursable expenses will be billed at invoice cost plus a ten percent markup for handling costs. Reimbursable expenses include, but are not limited to, travel, fax communication, long distance phone charges, postage/shipping, reproductions/copies, color plots/prints, accessibility review and inspection fees, reproduction of Contract Documents and reports. We estimate these expenses to be approximately $6,500. In addition, we have included the following expenses upon the Owner's request:

Surveying (Topographical survey for use in design)	$ 4,500
Geotechnical services (Two 30 foot bores below the building and one 5 foot bore below the parking area)	$ 5,000

Hourly Additional Services

In addition to the basic services, the Owner has requested Construction Administration and Project Close-out services. These services will be billed on an hourly basis with a maximum of $45,000. These services will include the following:

Construction Administration

1. The A/E will be the representative of and will advise and consult with the Owner during construction until Substantial Completion is achieved. The A/E will have authority to act on behalf of the Owner only to the extent provided in this Agreement unless otherwise modified by written instrument.

2. The A/E will visit the site at intervals appropriate to the stage of construction or as otherwise agreed by the Owner and A/E in writing to become familiar with the progress and quality of the Work completed and to determine in general if the Work is being performed in a manner indicating that the Work when completed will be in accordance with the Contract Documents. However, the A/E will not be required to make exhaustive or continuous on-site observations to check the quality or quantity of the Work. On the basis of on-site observation as architect, or engineer, the A/E will keep the Owner informed of the progress and quality of the Work. An initial proposal schedule of site visits is as follows:

    a. Attend monthly construction progress meetings (1 per month) for the duration of construction.
    b. Make, at a minimum, construction site observation visits at the following stages of construction:
        i. Structural foundation & utilities
        ii. Superstructure
        iii. Building envelope
        iv. Interior
        v. Finishes & equipment
    c. Provide two (2) Punch List site visits (1 at Substantial Completion; 1 at final.)

3. The A/E will make one initial review and one follow up review of all submittals, shop drawings and material data sheets submitted to the A/E by the Contractor in an approved electronic format designated by the A/E and make a written response. No partial submittals will be reviewed. If additional reviews are required by the A/E beyond the initial follow up review, the cost of each subsequent review will be at the cost of the Contractor and will be billed on an hourly basis. The current hourly rates are enclosed.

4. The A/E will review and approve/disapprove contractor submitted Construction Change Requests (CCR) and alternate material substitution requests.

5. The A/E will review Requests for Information (RFI) submitted to the A/E in a format acceptable to the A/E.

6. The A/E will review pay applications and schedule of values provided by the Contractor, and forward to the Owner with approval or comment if a full approval is not provided.

Project Closeout

1. The A/E will collect from the Contractor, and provide to the Owner, the Contract Closeout documents as outlined in the Specifications. These documents will include, but not limited to:
    a. A directory of names, address and telephone numbers of the Architect, Contractor, Subcontractors and major equipment suppliers
    b. Operations and maintenance instructions
    c. Shop drawings and product data sheets
    d. As-built drawings
    e. Warranties and bonds

Lump Sum Additional Services

In addition, the Owner has requested fees for additional services which include landscape design, and a Full Written SWP3 Plan.

Landscape Design

1. The A/E, using in-house licensed landscape architects, will provide landscape design services to the Owner.

Full Written SWP3 Plan

1. The A/E will engage a consultant licensed in the state of Texas to provide the Storm Water Pollution Prevention Plan (SWP3) for the project.

Our fees for these ***Additional Services*** will be based on a lump sum per service, and will be billed on a percentage complete method. Should the scope of services described above change during the Project, the lump sum amount will be adjusted either up or down by a mutually agreed upon amount or based on an hourly rate method using the A/E's standard hourly rate schedule.

Landscape Design	$ 8,500

SWP3 Plan	$ 2,500
Subtotal of Additional Services	$ 11,000

Allowances

In addition, the Owner has requested an allowance for construction materials testing and inspection services.

1. The A/E will engage a consultant licensed in the state of Texas to perform construction materials testing and inspection during the construction of the project.

The allowance will be used on a per request method and will be based on a completion of individual testing/inspection service method. The allowance for these services will be $17,500.

SUMMARY

Fees

Basic Services	$	40,000	
Landscape Design	$	8,500	
SWP3	$	2,500	
Survey	$	4,500	
Geotechnical Services	$	5,000	
Estimated Reimbursables	$	6,500	
Subtotal	$	67,000	
Construction Administration/Project Closeout	$	45,000	Max
Construction Material Testing/Inspection Allowance	$	17,500	
Total	$	129,500	

ATTACHMENT C

Abilene Fire Station #3

Basic Services

Design Development Phase

1. Based on the approved Prototype Station Design and any further adjustments in the scope or quality of the Project or in the construction budget authorized by the Owner, the A/E will prepare, for approval by the Owner, Design Development Documents setting forth the final configuration of the buildings and the products to be used for the construction of the Project as modified from the prototype station design. The documents may include the following based on the modifications to the Prototype Station Design:
    a. Updated Floor plans
    b. Civil Site plans
    c. Interior elevations of millwork or significant features
    d. Updated code plan
    e. Reflected ceiling plan
    f. Lighting plan indicating type and location of light fixtures
    g. Power/communications plan indicating outlet locations
    h. Mechanical plan showing location of major equipment
    i. Plumbing plan showing location of fixtures
    j. Finish schedule indicating materials
    k. Outline specifications

2. The A/E will collaborate with the CMAR to make any adjustments to previous Opinion of Probable Construction Cost required by changes to the scope or market conditions.

Construction Document Phase

1. Based on the approved Design Development Documents and any further adjustments in the scope or quality of the Project or in the construction budget authorized by the Owner, the A/E will prepare, for approval by the Owner, a digital package of Construction Documents consisting of Drawings and Specifications setting forth the requirements for the construction of the Project as modified from the Prototype Station Design.

2. The A/E will inform the Owner to the best of their knowledge and will assist the Owner in connection with the Owner's responsibility for filing documents required for approval of governmental authorities having jurisdiction over the Project.

3. Any design changes made during the Construction Document Phase will be considered Additional Services and will be billed on an hourly basis. The current hourly rates are enclosed.

Services specifically excluded from our scope of services include, but are not limited to, the following:

- Asbestos and Hazardous Materials Studies
- Third-party Independent Construction Inspection Services
- Construction Material Testing

Our fees for the ***Basic Services*** described above will be based on a lump sum amount of $40,000 and will be billed on a percentage complete method. Should the scope of services described above change during the Project, the lump sum amount will be adjusted either up or down by a mutually agreed upon amount or based on an hourly rate method using the A/E's standard hourly rate schedule.

Reimbursable expenses will be billed at invoice cost plus a ten percent markup for handling costs. Reimbursable expenses include, but are not limited to, travel, fax communication, long distance phone charges, postage/shipping, reproductions/copies, color plots/prints, accessibility review and inspection fees, reproduction of Contract Documents and reports. We estimate these expenses to be approximately $6,500. In addition, we have included the following expenses upon the Owner's request:

Surveying (Topographical survey for use in design)	$ 4,500
Geotechnical services (Two 30 foot bores below the building and one 5 foot bore below the parking area)	$ 5,000

Hourly Additional Services

In addition to the basic services, the Owner has requested Construction Administration and Project Close-out services. These services will be billed on an hourly basis with a maximum of $45,000. These services will include the following:

Construction Administration

1. The A/E will be the representative of and will advise and consult with the Owner during construction until Substantial Completion is achieved. The A/E will have authority to act on behalf of the Owner only to the extent provided in this Agreement unless otherwise modified by written instrument.

2. The A/E will visit the site at intervals appropriate to the stage of construction or as otherwise agreed by the Owner and A/E in writing to become familiar with the progress and quality of the Work completed and to determine in general if the Work is being performed in a manner indicating that the Work when completed will be in accordance with the Contract Documents. However, the A/E will not be required to make exhaustive or continuous on-site observations to check the quality or quantity of the Work. On the basis of on-site observation as architect, or engineer, the A/E will keep the Owner informed of the progress and quality of the Work. An initial proposal schedule of site visits is as follows:

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    c. Provide two (2) Punch List site visits (1 at Substantial Completion; 1 at final.)

3. The A/E will make one initial review and one follow up review of all submittals, shop drawings and material data sheets submitted to the A/E by the Contractor in an approved electronic format designated by the A/E and make a written response. No partial submittals will be reviewed. If additional reviews are required by the A/E beyond the initial follow up review, the cost of each subsequent review will be at the cost of the Contractor and will be billed on an hourly basis. The current hourly rates are enclosed.

4. The A/E will review and approve/disapprove contractor submitted Construction Change Requests (CCR) and alternate material substitution requests.

5. The A/E will review Requests for Information (RFI) submitted to the A/E in a format acceptable to the A/E.

6. The A/E will review pay applications and schedule of values provided by the Contractor, and forward to the Owner with approval or comment if a full approval is not provided.

Project Closeout

1. The A/E will collect from the Contractor, and provide to the Owner, the Contract Closeout documents as outlined in the Specifications. These documents will include, but not limited to:
    a. A directory of names, address and telephone numbers of the Architect, Contractor, Subcontractors and major equipment suppliers
    b. Operations and maintenance instructions
    c. Shop drawings and product data sheets
    d. As-built drawings
    e. Warranties and bonds

Lump Sum Additional Services

In addition, the Owner has requested fees for additional services which include landscape design, and a Full Written SWP3 Plan.

Landscape Design

1. The A/E, using in-house licensed landscape architects, will provide landscape design services to the Owner.

Full Written SWP3 Plan

1. The A/E will engage a consultant licensed in the state of Texas to provide the Storm Water Pollution Prevention Plan (SWP3) for the project.

Our fees for these ***Additional Services*** will be based on a lump sum per service, and will be billed on a percentage complete method. Should the scope of services described above change during the Project, the lump sum amount will be adjusted either up or down by a mutually agreed upon amount or based on an hourly rate method using the A/E's standard hourly rate schedule.

Landscape Design	$ 8,500

SWP3 Plan	$ 2,500
Subtotal of Additional Services	$ 11,000

Allowances

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The allowance will be used on a per request method and will be based on a completion of individual testing/inspection service method. The allowance for these services will be $17,500.

SUMMARY

Fees

Basic Services	$	40,000	
Landscape Design	$	8,500	
SWP3	$	2,500	
Survey	$	4,500	
Geotechnical Services	$	5,000	
Estimated Reimbursables	$	6,500	
Subtotal	$	67,000	
Construction Administration/Project Closeout	$	45,000	Max
Construction Material Testing/Inspection Allowance	$	17,500	
Total	$	129,500	

RESOLUTION NO._____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT WITH THE CITY OF ABILENE ("CITY") AND PARKHILL, SMITH, & COOPER ("CONSULTANT"), TO PROVIDE DESIGN SERVICES AND CONSTRUCTION ADMINISTRATION SERVICES IN SUPPORT OF THE CITY OF ABILENE FIRE STATION #7 AND CITY OF ABILENE FIRE STATION #3.

WHEREAS, City of Abilene ("City") and Parkhill, Smith, & Cooper ("Consultant"), entered into a Professional Services Contract dated March 21, 2016 ("Contract") whereby the Consultant was to provide Design Services and Construction Administration Services in support of the City of Abilene Fire Station #4.

WHEREAS, the City desires to proceed with Design Services and Construction Administration Services in support of the City of Abilene Fire Station #7 and City of Abilene Fire Station #3.

WHEREAS, the Consultant has provided the attached Scope of Work and Fee for Fire Station #7 (Attachment A) and the attached Scope of Work and Fee for Fire Station #3 (Attachment B).

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS:

PART 1: The Professional Services Contract, dated March 21, 2016, is amended to include the additional Scope and Fee found in Attachment A and the additional Scope and Fee found in Attachment B, which are incorporated herein for all purposes.

PART 2: No further changes or additions being made, the parties agree that all other terms and conditions of the original Contract previously referenced, remain in full force and effect and are fully incorporated by reference.

PART 3: That this Resolution shall take effect immediately from and after passage.

ADOPTED this 11th day of August, 2016.

ATTEST:

_____
Danette Dunlap, City Secretary

_____
Norm Archibald, Mayor

APPROVED:

_____
Stanley Smith, City Attorney

Design Services For Fire Stations 7 and 3

August 11, 2016

CITY OF ABILENE TEXAS

Fire Station #4

- $6,375,000 funded from voter approved General Obligation bonds for the construction of (3) new fire stations.

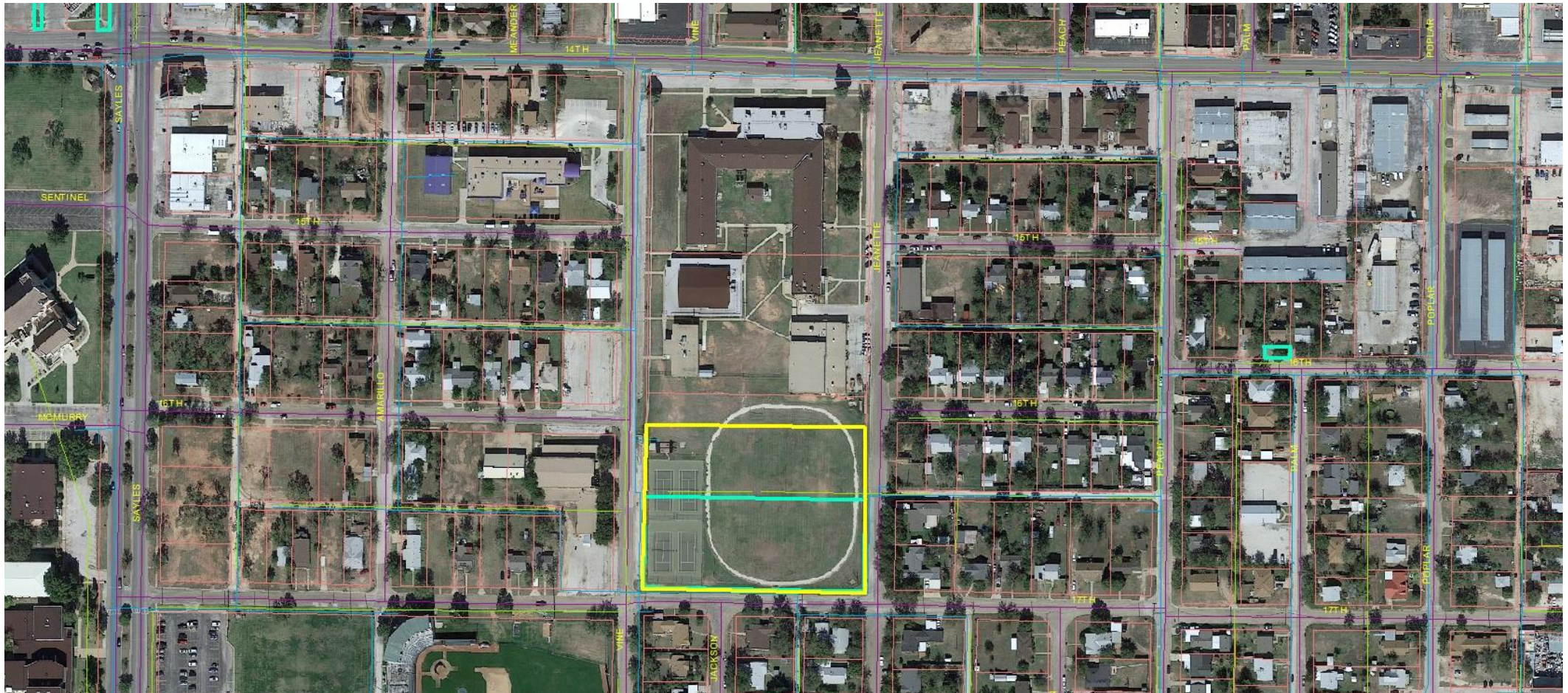
- Agreement with City of Abilene and Tittle Luther Partnership/Parkhill, Smith & Cooper (TLP/PSC) was executed on March 21, 2016 for the design of Fire Station 4.

Fire Station #7 and Fire Station #3

- Proceed with design services & construction services for Fire Station #7 and Fire Station #3.
- Fire Station #4 Design fee - $310,100
- Fire Station #7 Design fee - $129,500
- Fire Station #3 Design fee - $129,500
- Total amount of Design - $569,000

Fire Station #7

Fire Station #3



CITY OF ABILENE

City Council
Agenda Memo

City Council Meeting Date: 8/11/2016

TO: **Robert Hanna, City Manager**

FROM: **Rodney Taylor, Director of Water Utilities**

SUBJECT: **Resolution Authorizing the City Manager to Negotiate and Execute an Assignment Contract with the Colorado River Municipal Water District and the West Central Texas Municipal Water District.** ***(Taylor)***

GENERAL INFORMATION

The Water Utilities Department is requesting that the Abilene City Council approve a resolution authorizing the City Manager to negotiate and execute an Assignment Contract, the "Assignment of West Central Texas Municipal Water District Water Supply Facilities and Services Contract and Termination of West Central Texas Municipal Water District-City of Abilene, Texas, Water Contract" (Assignment Contract).

The Assignment Contract effectively removes the WCTMWD from any and all duties, obligations, and liabilities to CRMWD and City regarding the maintenance and operation of Lake O.H. Ivie and/or the securing and taking of water from Lake O.H. Ivie. The City shall assume any and all right, title, and interest of the WCTMWD contained in the Contract. All matters related to the City taking water from Lake O.H. Ivie and the City funding debt service for the maintenance and operation Lake O.H. Ivie shall be directly between City and CRMWD.

SPECIAL CONSIDERATIONS

There exists a "West Central Texas Municipal Water District Water Supply Facilities and Services Contract" between West Central Texas Municipal Water District (WCTMWD) and the Colorado River Municipal Water District (CRMWD) dated September 1, 1985 (Contract). The Contract includes amendments No. 1 and No. 2 and two supplemental Memorandum of Agreement documents. The contract establishes the terms and conditions allowing the WCTMWD to secure raw water from Lake O.H. Ivie on behalf of City of Abilene, to construct pumping and pipeline facilities to take raw water from Lake O.H. Ivie for the exclusive use of City, and for WCTMWD to fulfill debt service collection obligations from City necessary for CRMWD to construct and maintain Lake O.H. Ivie structures and facilities. The Assignment Contract provides for WCTMWD to assign to City all of its right, title, and interest in the Contract, and provides that City hereby assumes and agrees to perform all duties and obligations of WCTMWD under the Contract.

There exists a "West Central Texas Municiapal Water District-City of Abilene, Texas Water Contract" dated September 1, 1985 (Abilene Contract). The Abilene Contract includes Amendments No. 1 and No. 2. The Abilene Contract establishes the terms and conditions allowing the WCTMWD to secure raw water from Lake O.H. Ivie on behalf of City, to act on the behalf of City in constructing and operating the facilities necessary to transport raw water from Lake O.H. Ivie for the exclusive use of City, and for City to fulfill debt service

obligations necessary for CRMWD to construct and maintain Lake O.H. Ivie structures and facilities. The Assignment Contract provides for the termination of the Abilene Contract.

FUNDING/FISCAL IMPACT

N/A

STAFF RECOMMENDATION

It is recommended that the City Council authorize the City Manager to negotiate and execute an assignment contract as described herein.

BOARD OR COMMISSION RECOMMENDATION

ATTACHMENTS:

Description	Type
Resolution authorizing Contract Assignment	Cover Memo
Presentation	Presentation

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE AN ASSIGNMENT CONTRACT WITH THE COLORADO RIVER MUNICIPAL WATER DISTRICT AND THE WEST CENTRAL TEXAS MUNICIPAL WATER DISTRICT.

WHEREAS, the Colorado River Municipal Water District (CRMWD) and West Central Texas Municipal Water District (WCTMWD) entered into that certain "West Central Texas Municipal Water District Water Supply Facilities and Service Contract," effective September 1, 1985, as amended on September 30, 1995, and March 25, 2004 and as further supplemented by a Memorandum of Agreement, effective April 1, 2004, and a Memorandum of Agreement, effective April 1, 2006 (collectively, the "Contract") to provide raw water to WCTMWD from the O.H. Ivie Reservoir for the sole benefit of the City of Abilene (City); and

WHEREAS, concurrently with the execution of the Contract, WCTMWD and the City entered into the "West Central Texas Municipal Water District - City of Abilene, Texas Water Contact," effective September 1, 1985, as amended on September 30, 1995, and March 25, 2004 (collectively, the "Abilene Contract") whereby WCTMWD undertook to furnish and supply the City with raw water diverted by WCTMWD pursuant to the Contract; and

WHEREAS, all bonds issued by the CRMWD for the O.H. Ivie Reservoir project have been paid and retired and are no longer outstanding; and

WHEREAS, because of the passage of time and changes in financial and legal circumstances affecting the City, including the City's financing of the construction of the pipeline, pump stations, and other facilities required to transport water from the O.H. Ivie Reservoir to the City, the City has requested that WCTMWD and the CRMWD enter into this "Assignment of West Central Texas Municipal Water District Water Supply Facilities and Services Contract and Termination of West Central Texas Municipal Water District-City of Abilene, Texas, Water Contract" (Assignment Contract); and

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS:

Part 1. That the City Manager is authorized to negotiate and execute the Assignment Contract.

Part 2. That the Assignment Contract shall provide for the following:

a. Permit the City to deal directly with the District, rather than through WCTMWD, on all matters associated with the CRMWD making water available from the O.H. Ivie Reservoir to the City.

b. Assign to the City all of the rights and obligations of WCTMWD under the Contract.

c. Termination of the Abilene Contract.

ADOPTED this 11th day of August, 2016.

ATTEST:

_____
Danette Dunlap, City Secretary

_____
Norm Archibald, Mayor

APPROVED:

_____
Stanley E. Smith, City Attorney

Abilene City Council

August 11, 2016

Item 7.08 - Resolution Authorizing the City Manager to Negotiate and Execute a Contract Assignment Agreement with the Colorado River Municipal Water District and the West Central Texas Municipal Water District.

CITY OF ABILENE TEXAS

Item 7.08 – Contract Assignment Agreement

- Existing Contracts establish terms and conditions between the Colorado River Municipal Water District (CRMWD), the West Central Texas Municipal Water District (WCTMWD), and the City of Abilene (City) to allow taking raw water from Lake O.H. Ivie for the use and benefit of City.

- "WCTMWD Water Supply Facilities and Services Contract" (Contract), effective 9/1/1985, between CRMWD & WCTMWD, provides that WCTMWD is authorized to construct and operate pumping and pipeline facilities necessary to deliver water from Lake O.H. Ivie for use by City, and to collect City's share of debt service on bonds necessary for CRMWD to construct and maintain the Lake O.H. Ivie dam & reservoir.

- "WCTMWD-City of Abilene, Texas Water Contract" (Abilene Contract), effective 9/1/1985, between WCTMWD & City, provides that WCTMWD is authorized to act on the City's behalf to construct and operate pumping and pipeline facilities necessary to deliver raw water from Lake O.H. Ivie for use by City, and obligating City to pay to WCTMWD as pass-through its share of debt service on bonds necessary for CRMWD to construct and maintain the Lake O.H. Ivie dam and reservoir.

Item 7.08 – Contract Assignment Agreement

- There exists two minor amendments to each contract, and two supplemental Memorandum of Agreement's (MOA).
- The City constructed, owns & operates pumping & pipeline facilities to transport Lake O.H. Ivie water to the City's Hargesheimer Water Treatment Plant.
- The City is obligated to pay WCTMWD for the City's share of annual operating & maintenance costs and the City's share of bond debt incurred for construction and maintenance of Lake O.H. Ivie that are specifically attributable to Lake O.H. Ivie.
- The CRMWD has successfully paid off all bond debt associated with the construction and maintenance of the O.H. Ivie Reservoir.
- In accordance with an MOA the City has requested that WCTMWD & CRMWD enter into an agreement that would allow City to deal directly with CRMWD, to assign all rights of WCTMWD under the "Contract" to City, and terminate the "Abilene Contract".

Item 7.08 – Contract Assignment Agreement

“Assignment of WCTMWD Water Supply Facilities and Services Contract and Termination of WCTMWD-City of Abilene, Texas, Water Contract” accomplishes the following:

- **WCTMWD assigns all of its right, title, and interest in and to the “Contract” to City of Abilene.**
- **The City does hereby accept the assignment to it of all right, title, and interest of WCTMWD.**
- **The CRMWD does hereby consent to the assignment to City of all right, title, and interest of WCTMWD .**
- **Upon Assignment, all references in the Contract terms and conditions to "West Central" shall be deemed to be references to "the City“.**
- **City continues to be obligated to pay its share of annual operations and maintenance costs and for any new bond debt service necessary for maintaining the dam and reservoir for the life of the reservoir.**
- **City shall communicate, coordinate, & transact directly with CRMWD.**

- **Item 7.08 -** Resolution Authorizing the City Manager to Negotiate and Execute a Contract Assignment Agreement with the Colorado River Municipal Water District and the West Central Texas Municipal Water District.

QUESTIONS?

CITY OF ABILENE

City Council
Agenda Memo

City Council Meeting Date: 8/11/2016

TO: **Robert Hanna, City Manager**

FROM: **Mike Rains, Director of Finance**

SUBJECT: **Ordinance & Public Hearing - Final Vote on Revised 2015-16 Budget. *(Rains)***

GENERAL INFORMATION

As part of the budget worksession on July 27, 2016, the City Council approved a General Fund Revised 2015-16 Budget of $87,428,120.

SPECIAL CONSIDERATIONS

FUNDING/FISCAL IMPACT

STAFF RECOMMENDATION

Staff recommends that the City Council hold the public hearing and approve the Revised Budget Ordinance on second and final reading.

BOARD OR COMMISSION RECOMMENDATION

ATTACHMENTS:

Description	Type
2015-16 Revised Budget Ordinance	Cover Memo
PowerPoint	Cover Memo

ORDINANCE NO. _____

AN ORDINANCE APPROVING REVISED BUDGET FIGURES FOR FISCAL YEAR 2015-2016; FOR THE CITY OF ABILENE; APPROPRIATING FUNDS; REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH; CALLING A PUBLIC HEARING.

WHEREAS, the City Manager has prepared a revision of certain figures in the 2015-2016 budget and submitted same to the City Council; and,

WHEREAS, the City Council has reviewed and considered said proposed revised budget and made revisions of same; and,

WHEREAS, said budget, as revised by the City Council, was duly set for a public hearing ordered to be called by the City Council and held on August 11, 2016, after due notice, as required by the Charter of the City of Abilene and laws of the State of Texas; now, therefore,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS:

PART 1: That the revised figures, prepared and submitted by the City Manager for the 2015-2016 budget, be, and the same are hereby, in all things, approved and appropriated, and any necessary transfers between accounts and departments are hereby authorized, approved, and appropriated.

PART 2: That the City Manager and his authorized and designated employees, at his direction, be, and are hereby, authorized to sign or release easements, permits, licenses, and change orders; to sign interlocal agreements as authorized by state law; to sign documents authorizing the payment of funds, and to expend public funds as authorized by state law unless otherwise authorized by the City Council; to settle paving assessment, weed mowing, demolition, and other disputes based on legal questions of whether the assessments are enforceable or other extenuating factual circumstances. The City Manager is authorized to adjust compensation, within Council policy guidelines, of any City employee, including appointees, when in his discretion an adjustment needs to be made to retain qualified personnel. The intent of this section is to provide the ability to conduct daily affairs of the City, which involves numerous decisions of a routine nature and to retain qualified personnel.

PART 3: That the City Council hereby approves grants and contracts that are set out by this budget and authorizes the City Manager and his authorized and designated employees, at his discretion, to sign said federal, state, and other such grant and contract documents, including Interlocal agreements, on behalf of the City. The funds for said contracts, agreements, and purchases are hereby approved and appropriated. The intent of this section is to approve and simplify the grant process and approve expenditures that are exempt from the Purchasing and Contracting Authority of Municipalities, Chapter 252 of the Local Government Code.

PART 4: That upon passage of this ordinance on first reading, the City Secretary be, and is hereby authorized and directed to have published in the Abilene Reporter-News, a daily newspaper of general circulation in the City of Abilene, a notice that a public hearing will be held in the Council Chambers of the City Hall in Abilene, Texas, at 8:30 A.M., on the 11th of August, 2016, to permit the public to be heard prior to consideration of this ordinance for second and final reading, said publication to be made on the 7th of August 2016, being more than twenty-four (24) hours prior to the time designated for such public hearing in accordance with Section 18 of the City Charter. 102.0065(b) Local Government Code, Special Notice by publication for Budget – except that if another law requires the governing body to give notice, by publication, of a hearing on a budget this section does not apply.

PART 5: That any ordinance, resolution, policy or any provision or section of the code of the City of Abilene, Texas, as amended, in conflict herewith, be, and the same is hereby repealed to the extent of any conflict. It is specifically provided that Resolution 40-1997 concerning liability claims shall remain in full force and effect.

PART 6: That the number, classification, and designation of each position as provided in Texas Local Government Coe Ann., Chapter 143 (Vernon 1988), Municipal Civil Service, for the Police and Fire Departments, as set out below, are hereby created, established, and adopted as the official plan for the classified service of the Police and Fire Departments of the City of Abilene for the fiscal year October 1, 2015 through September 30, 2016, or as may be amended by City Council. Any position in the classified service of the Police and Fire Departments of the City of Abilene not below listed, is hereby abolished.

Police Department	
Assistant Police Chief	2
Police Lieutenant	11
Police Sergeant	24
Police Officers	179
	216

Fire Department	
Deputy Fire Chief	2
Battalion Chief	5
Fire Captain	13
Fire Lieutenant	32
Fire Fighter	121
	173

PASSED ON FIRST READING on the 27th day of July, A.D. 2016.

After passage on first reading, a notice of the time and place said ordinance would be given a public hearing and considered for final passage was published in the Abilene Reporter-News, a daily newspaper of general circulation in the City of Abilene. The same being more than twenty-four (24) hours prior to the time designated for said hearing. After such opportunity for the public to be heard, said ordinance was passed on its second and final reading.

PASSED ON SECOND AND FINAL READING AT A PUBLIC HEARING on the 11th day of August, A.D. 2016.

ATTEST:

_____
CITY SECRETARY

_____
MAYOR

APPROVED:

_____
CITY ATTORNEY

Ordinance & Public Hearing – Final Vote on Revised 2015-16 Budget

- As part of the budget workshop on July 27, 2016, City Council approved the Revised 2015-16 Budgets including the General Fund of $87,428,120
- Public Hearing required
- Final vote on the Revised 2015-16 Budgets

CITY OF ABILENE

City Council
Agenda Memo

City Council Meeting Date: 8/11/2016

TO: **Robert Hanna, City Manager**

FROM: **Mike Rains, Director of Finance**

SUBJECT: **Ordinance & Public Hearing: Proposed 2016 Tax Rate; and setting a public hearing for August 25th 2016. *(Rains)***

GENERAL INFORMATION

The FY 2017 Budget approved by Council on July 27, 2016 set the tax rate at $.7465. State law requires that two (2) public hearings must be held prior to the final public hearing and vote. Another public hearing will be held on August 25, 2016, with the final public hearing and vote to be held on September 8, 2016.

SPECIAL CONSIDERATIONS

FUNDING/FISCAL IMPACT

STAFF RECOMMENDATION

Staff recommends that the City Council hold the public hearing in accordance with state law. No action is required by Council.

BOARD OR COMMISSION RECOMMENDATION

ATTACHMENTS:

Description	Type
Tax Rate Ordinance FY 17	Cover Memo
PowerPoint	Cover Memo

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF ABILENE, TEXAS, APPROVING THE ASSESSMENT ROLL FOR 2016, LEVYING AN AD VALOREM TAX FOR THE CITY OF ABILENE, TEXAS, FOR THE YEAR 2016; PROVIDING FOR THE ASSESSMENT AND COLLECTION THEREOF; REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH; CALLING A PUBLIC HEARING; PROVIDING AN EFFECTIVE DATE.

WHEREAS, Section 26.05 of the Tax Code requires notice of a tax increase whether that increase occurs by an increase in the tax rate or a rise in property values or both; and

WHEREAS, the City of Abilene is proposing a tax rate increase and property values have risen in the City which trigger components of Section 26.05; and

WHEREAS, the components of Section 26.05 require Cities to post that an increase in property values even when the tax rate is held constant, is considered as an effective tax rate increase; now therefore,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS:

PART 1: That the assessment roll for the year 2016, as compiled by the Chief Appraiser of the Central Appraisal District of Taylor County, and amended and approved by the Appraisal Review Board of Taylor County, on the 25th day of July, 2016, be, and the same is hereby, in all things, approved and adopted.

PART 2: That there be, and is hereby levied, on all of the property located in the City of Abilene, Texas, on the 1st day of January, 2016, and not exempt from taxation by the Constitution and Laws of the State of Texas and the City of Abilene, an ad valorem tax in the aggregate total of --seventy-four and sixty-five hundredths cents (74.65¢)-- on each one hundred dollars' ($100.00) valuation of said property, apportioned as follows:

General Fund:		
(a)	Operations & Maintenance	$ .5448
Debt Service Funds:		
(a)	2002 Airport C.O. Series	$ .0018
(b)	2004 Airport C.O. Series	$ .0010
(c)	2006 Airport C.O. Series	$ .0018
(d)	2007 C.O. Series	$ .0054
(e)	2007 G.O. Series	$ .0074
(f)	2007 Airport G.O. Series	$ .0015
(g)	2008 C.O. Series	$ .0031
(h)	2008 G.O. Series	$ .0111

(i)	2008A C.O. Series - Energy	$ .0144
(j)	2009 Refunding	$ .0101
(k)	2009 C.O. Series	$ .0023
(l)	2009 G.O. Series	$ .0112
(m)	2009A C.O. Series - HRMS & Finance System Replacement	$ .0038
(n)	2010 Refunding	$ .0030
(o)	2011 C.O. Series	$ .0024
(p)	2011 Refunding	$ .0084
(q)	2013 Refunding	$ .0058
(r)	2015 Refunding	$ .0403
(s)	2015 G.O. Series	$ .0284
(t)	2015 C.O. Series	$ .0028
(u)	2016 G.O. Series	$ .0325
(v)	2016 C.O. Series	$ .0032
	Debt Rate	$ .2017
	TOTAL RATE FOR THE YEAR 2016	$ .7465

PART 3: That there be, and are hereby authorized exemptions as follows:

1) Homestead exemption -- fifteen percent (15%)
2) Age 65 and over exemption -- $15,000

PART 4: THIS TAX RATE WILL RAISE MORE TAXES FOR MAINTENANCE AND OPERATIONS THAN LAST YEAR'S TAX RATE. THE TAX RATE WILL EFFECTIVELY BE RAISED BY 2.6 PERCENT AND WILL RAISE TAXES FOR MAINTENANCE AND OPERATIONS ON A $100,000 HOME BY APPROXIMATELY $14.

PART 5: That notice for the public hearings on the 11th day of August, 2016, and the 25th day of August, 2016, were given by publication in the Abilene Reporter-News on the 3rd day of August, 2016.

PART 6: That notice for the public hearing on the 8th day of September, 2016, was given by publication in the Abilene Reporter-News on the 30th day of August, 2016.

PART 7: That a public hearing was held on the 8th day of September, 2016, in accordance with the City Charter.

PART 8: That any ordinance, resolution, policy or any provision or section of the Code of the City of Abilene, Texas, as amended, in conflict herewith, be, and the same is hereby repealed to the extent of any conflict.

PART 9: That this ordinance shall take effect immediately from and after its date of final passage.

PASSED ON FIRST READING on the 27th day of July, A.D. 2016.

PASSED ON SECOND AND FINAL READING AT A PUBLIC HEARING on the 8th day of September, A.D. 2016.

ATTEST:

_____
CITY SECRETARY

_____
MAYOR

APPROVED:

_____
CITY ATTORNEY

Ordinance & Public Hearing – Proposed 2016 Tax Rate; and setting a public hearing for August 25, 2016

- As part of the budget workshop on July 27, 2016, City Council approved the Proposed Tax Rate for fiscal year 2016-17 of $.5448 per $100 for maintenance & operations and $.2017 per $100 for debt service with a total tax rate of $.7465 per $100.
- Public Hearing required
- Next public hearing to be set for August 23, 2016 at 5:30 p.m. at City Hall
- Final public hearing and vote on the tax rate will be held on September 8, 2016 at 8:30 a.m. at City Hall.

City Council
Agenda Memo

City Council Meeting Date: 8/11/2016

TO: **Robert Hanna, City Manager**

FROM: **Rodney Taylor, Director of Water Utilities**

SUBJECT: **Resolution: Revising the Schedule of Rates and Charges for Water and Sewer Utility Service. *(Taylor)***

GENERAL INFORMATION

The Water Utilities Department is requesting that the Abilene City Council approve the written resolution revising the schedule of rates and charges for water and sewer utility services. The increase in rates and fees is necessary in order to generate sufficient funds to adequately fund operation & maintenance and capital improvements activities of the Water Utilities Department.

On July 7, 2016 City Manager Robert Hanna presented to the City Council the City of Abilene Proposed 2017 Budget (Budget). The Budget consists of multiple individual and unique general fund and enterprise fund operations and maintenance budgets. The Water and Sewer Operating Fund (WSFund) is an enterprise fund. The WSFund is in need of additional revenues in order to adequately cover the costs of proposed operations, maintenance and capital project activities.

The proposed increase to the water rates applies only to variable rate tiers. It does not affect the current fixed water rates based on meter size. The proposed increase also makes adjustments to certain Service Charges and Tapping Fees for New Taps in order to align those fees with the actual costs of providing those services.

At the request of the City Council, staff is prepared to discuss an alternate water rate structure that makes no adjustment to Residential Tier 1. All other Class Tiers are further adjusted to compensate for Residential Tier 1 so that the target revenue is achieved.

SPECIAL CONSIDERATIONS

The proposed rate increase was presented to the City Council during the Budget workshop on July 27, 2016. The rate increase would raise approximately $4,200,000 of new revenues to cover additional costs of operations, maintenance, and capital improvement projects. The attached Resolution and Schedule of Rates and Charges reflects the rates for water and sewer service necessary to provide for the Budget.

The Abilene City Council last adjusted the Schedule of Rates and Charges on November 19, 2015. At this time there is a need to revise the Schedule of Rates and Charges for Water and Sewer Utility Services. Upon approval of the resolution the Schedule of Rates and Charges for Water and Sewer Utility Service adopted on November 19, 2015 is hereby replaced by the Schedule of Rates and Charges for Water and Sewer Utility Service attached hereto as Exhibit “A”.

The effective date of the action for all non-contract customers shall be such that the first billing statement prepared in November 2016, which generally reflects water used in October, and all subsequent billing statements, shall be based upon and reflect the rates presented in Exhibit A.

The effective date of the action for all contract customers shall be such that the first billing statement prepared in November 2016, which generally reflects water used in October 2016, and all subsequent billing statements, shall be based upon and reflect the rates presented in Exhibit A.

City staff and the City Council will annually review and adjust the Schedule of Rates and Charges for Water and Sewer Utility Service to ensure that projected revenues can cover all projected expenses and financial obligations of the Water Utilities Department.

FUNDING/FISCAL IMPACT

The proposed water rate adjustments are projected to produce approximately $4,200,000 of new revenue. The revenue projection is based on projected FY2017 water sales of 6.3 billion gallons.

The proposed Service Charges and Tap Fees adjustments are projected to produce approximately $148,845 of new revenue.

STAFF RECOMMENDATION

It is recommended that the Abilene City Council approve the recommended adjustments to water rates, service charges, and tap fees as described above.

BOARD OR COMMISSION RECOMMENDATION

ATTACHMENTS:

	Description	Type
☐	Resolution adjusting the schedule of rates and charges for water and sewer utilities service	Cover Memo
☐	Presentation	Presentation

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, REVISING THE SCHEDULE OF RATES AND CHARGES FOR WATER AND SEWER UTILITY SERVICE.

WHEREAS, Section 32-37 and Section 32-39 of the Abilene Municipal Code provide for the establishment of a Schedule of Rates and Charges for Water and Sewer Utility Service; and,

WHEREAS, the Schedule of Rates and Charges for Water and Sewer Utility Service has from time to time been revised by the Council;

WHEREAS, on November 19, 2015 the City Council of the City of Abilene adopted, by Resolution No. 72-2015, a Schedule of Rates and Charges for Water and Sewer Utility Service; and,

WHEREAS, at this time there is a need to revise the Schedule of Rates and Charges for Water and Sewer Utility Service adopted on November 19, 2015, NOW THEREFORE;

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS:

PART 1: That the Schedule of Rates and Charges for Water and Sewer Utility Service adopted on November 19, 2015 is hereby replaced by the Schedule of Rates and Charges for Water and Sewer Utility Service attached hereto as Exhibit "A".

PART 2: That this Schedule of Rates and Charges for Water and Sewer Utility Service shall be kept on file in the City Secretary's office and in the Water Utility office.

PART 3: That the effective date of the action for all non-contract customers shall be such that the first billing statement prepared in November 2016, which generally reflects water used in October, and all subsequent billing statements, shall be based upon and reflect the rates presented in Exhibit A.

PART 4: That the effective date of the action for all contract customers shall be such that the first billing statement prepared in November 2016, which generally reflects water used in October 2016, and all subsequent billing statements, shall be based upon and reflect the rates presented in Exhibit A.

PART 5: The City Council will annually review and adjust the Schedule of Rates and Charges for Water and Sewer Utility Service to ensure that projected revenues can cover all projected expenses and financial obligations of the Department.

ADOPTED the _____, A.D., 2016.

ATTEST:

_____
CITY SECRETARY

_____
MAYOR

APPROVED:

_____
CITY ATTORNEY

(Proposed FY17) EXHIBIT A

CITY OF ABILENE
WATER UTILITY DEPARTMENT
SCHEDULE OF RATES AND CHARGES
ADOPTED _____
BY RESOLUTION NO _____

	WATER	SEWER
Residential *Service to all domestic housing of three units or less.*	Customer Service Charge. . . . . Based on Meter Size* First 6,000 gallons. . . . . $3.49 per thousand gallons 7,000 – 15,000 gallons. . . . .$4.97 per thousand gallons Over 15,000 gallons. . . . . .$6.83 per thousand gallons *+ O.H. Ivie Charge. . . . . $0.60 per thousand gallons*	Customer Service Charge. . . . . $12.00 Minimum First 10,000 gallons. . . . $1.55 per thousand gallons Over 10,000 gallons. . . . . No Charge
Commercial *Business operations including residential housing with four units or more.*	Customer Service Charge. . . . . .Applicable Minimum* First 6,000 gallons. . . . . $3.49 per thousand gallons Over 6,000 gallons. . . . . .$4.97 per thousand gallons *+ O.H. Ivie Charge . . . . . .$0.60 per thousand gallons*	Customer Service Charge . . . . . $12.00 Minimum All use . . . . . $1.55 per thousand gallons
Industrial	Customer Service Charge . . . . Applicable Minimum* All consumption . . . . . $3.81 per thousand gallons *+ O.H. Ivie Charge. . . . . $0.60 per thousand gallons*	Customer Service Charge . . . . . $12.00 Minimum All use . . . . . $1.55 per thousand gallons <u>Surcharge Rate:</u> B.O.D. ($0.091/lb) T.S.S. ($0.067/lb) F.O.G ($0.091/lb)
Yard Meter	Yard Meters all use . . . . . .$5.86 per thousand gallons *+ O.H. Ivie Charge. . . . . $0.60 per thousand gallons*	
Construction Water	Set-up fee . . . . . $60.00 All Use . . . . . $5.86 per thousand gallons *+ O.H. Ivie Charge. . . . . $0.60 per thousand gallons*	
Outside of City limits, double above rates for water consumption.		

***Charge Applies to Meter Size Indicated:**

5/8 or ¾	$15.25 Min. per month
1 inch	23.00
1-1/2 inch	42.75
2 inch	71.00
3 inch	134.00
4 inch	201.25
6 inch	373.75
8 inch	606.75
10 inch	818.25

MONTHLY ACCOUNT FEES

<u>Environmental Rate:</u>
All accounts . . . . . $2.50 per account
This fee supports the Stormwater Services and the Solid Waste Environmental Program.

<u>Multiple Housing Units:</u>
When more than two living or business units are supplied through one meter, each additional living or business unit will be charged two dollars and fifty cents ($2.50). No credit shall be allowed for vacant or unoccupied units if the utility account remains active.

<u>Fire Line Sprinkler Systems:</u>
$2.00 per inch in diameter of service connection

SERVICE FEES AND CONSTRUCTION FEES ON REVERSE SIDE

City of Abilene Water Utilities
Schedule of Rates and Charges – continued

SERVICE CHARGES:

New Service	$25.00
Transfer Service	$17.50
Temporary Service	$10.00
Delinquent On	$25.00
Illegal Consumption	$50.00
Re-read meter	$10.00
Return Check Charge	$30.00 per account
Meter Test	$25.00

DEPOSITS:

Deposits may be required based on payment history and/or credit worthiness.

TAP FEES:

Note: A plumbing permit must be issued by Building Inspection prior to payment of the tap fee.

New Taps:

¾ inch	$500.00
1 inch	550.00
1 ½ inch	775.00
2 inch and larger	Actual cost of installation

Replacement Tap Credit:

¾ inch	$20.00
1 inch	40.00
1 ½ inch	100.00

PRO RATA CHARGE FOR WATER AND SEWER LINE CONNECTION:

Sewer:

Installed prior to June 30, 1981	$2.25 per frontage foot
Installed after June 30, 1981	$4.00 per frontage foot

Water:

Installed prior to June 30, 1981	$3.25 per frontage foot
Installed after June 30, 1981	$5.00 per frontage foot

The basis for determining footage amounts is described in Chapter 32 of the Municipal Code.

Abilene City Council

August 11, 2016

Item 7.11 - Resolution Revising the Schedule of Rates and Charges for Water and Sewer Utility Service

CITY OF ABILENE TEXAS

Item 7.11 - Revising Water Rates

- The Proposed FY17 Budget Includes Water Rate Adjustment
- Additional Revenue needed for Operations, Maintenance, and Capital Improvement Projects
- Rate Adjustment to Produce about $4,200,000 of New Revenue.
- Proposed Rate Structure Fairly Affects All Classes and Tiers
- Alternate Rate Structure Does Not Change Residential Tier 1.
  - Alternate Also Reduces Impact on Residential Tier 2 & Tier 3 (up to 23K gal).
  - Additional Costs Shifted to Commercial, Industrial, and Wholesale Customers.

Staff Recommended and Alternate Rate Adjustments for FY 2017

PROPOSED AND ALTERNATE RATE ADJUSTMENTS

	11/19/2015		Proposed FY17		Alternate FY17
VARIABLE RESIDENTIAL RATES					
1st Tier	$3.00	16%	$3.49	0%	$3.00
2nd Tier	$4.26	16%	$4.97	21%	$5.15
3rd Tier	$5.86	16%	$6.83	22%	$7.15
VARIABLE COMMERCIAL RATES					
1st Tier	$3.00	16%	$3.49	21%	$3.63
2nd Tier	$4.26	16%	$4.97	21%	$5.15
VARIABLE INDUSTRIAL RATES					
1st Tier	$3.32	15%	$3.81	18%	$3.92

Staff Recommended Rate Adjustment for FY 2017

VARIABLE RESIDENTIAL RATES

	Current Rate	Adjustment	New Rate
1st Tier	$3.00	$0.49	3.49
2nd Tier	$4.26	0.71	4.97
3rd Tier	$5.86	0.97	6.83

VARIABLE COMMERCIAL RATES

	Current Rate	Adjustment	New Rate
1st Tier	$3.00	$0.49	$3.49
2nd Tier	$4.26	$0.71	$4.97

VARIABLE INDUSTRIAL RATES

	Current Rate	Adjustment	New Rate
1st Tier	$3.32	$0.49	$3.81

Water & Sewer Bill Adjustments - Proposed Rates

Customer	Customer Monthly Use (gallons/month)	2016 Monthly Water & Sewer Bill	FY2017 CIP Debt Service/O&M Adjustment	FY2017 Total Monthly Bill (Water & Sewer)
Residential	5,000	$53.00	**$2.45**	**$55.45**
	10,000	$83.79	**$5.78**	**$89.57**
Commercial 2" Meter	50,000	$395.94	**$34.18**	**$430.12**
	200,000	$1,357.44	**$140.68**	**$1,498.12**
Industrial				
Dyess AFB	15.5 million	$75,175.00	**$8,370.00**	**$83,545.00**
Coca-Cola	9.5 million	$40,570.75	**$5,130.00**	**$45,700.75**

Note: Costs shown only reflect the monthly cost for Water and Sewer on a monthly bill, and include the Ivie Fee. Monthly costs shown do not include charges for Solid Waste, Storm Water and Environmental.

Alternate Rate Adjustment for FY 2017

VARIABLE RESIDENTIAL RATES

	Current Rate	Adjustment	New Rate
1st Tier	$3.00	$0.00	3.00
2nd Tier	$4.26	0.89	5.15
3rd Tier	$5.86	01.29	7.15

VARIABLE COMMERCIAL RATES

	Current Rate	Adjustment	New Rate
1st Tier	$3.00	$0.63	$3.63
2nd Tier	$4.26	$0.89	$5.15

VARIABLE INDUSTRIAL RATES

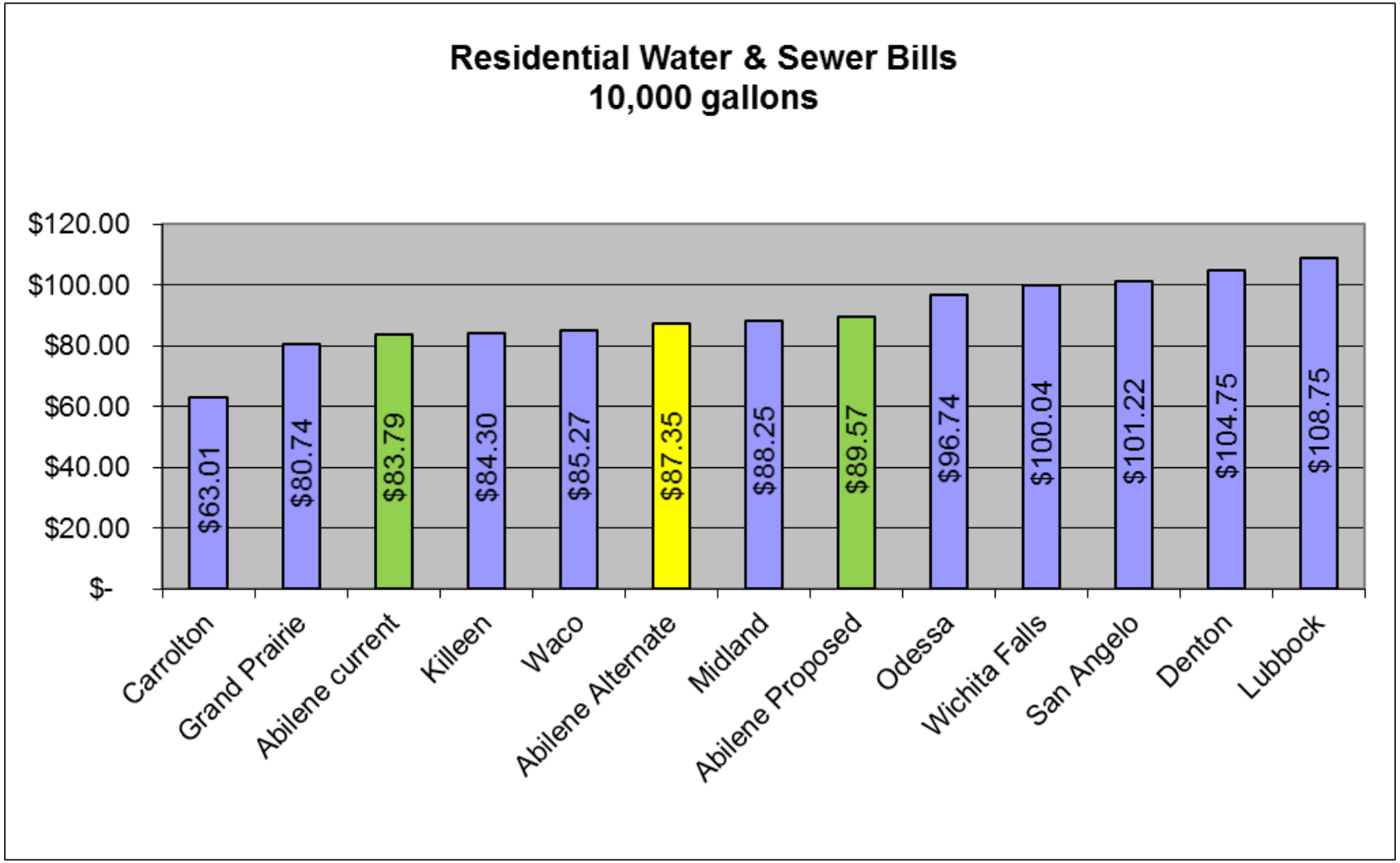
	Current Rate	Adjustment	New Rate
1st Tier	$3.32	$0.60	$3.92

Water & Sewer Bill Adjustments - Alternate Rates

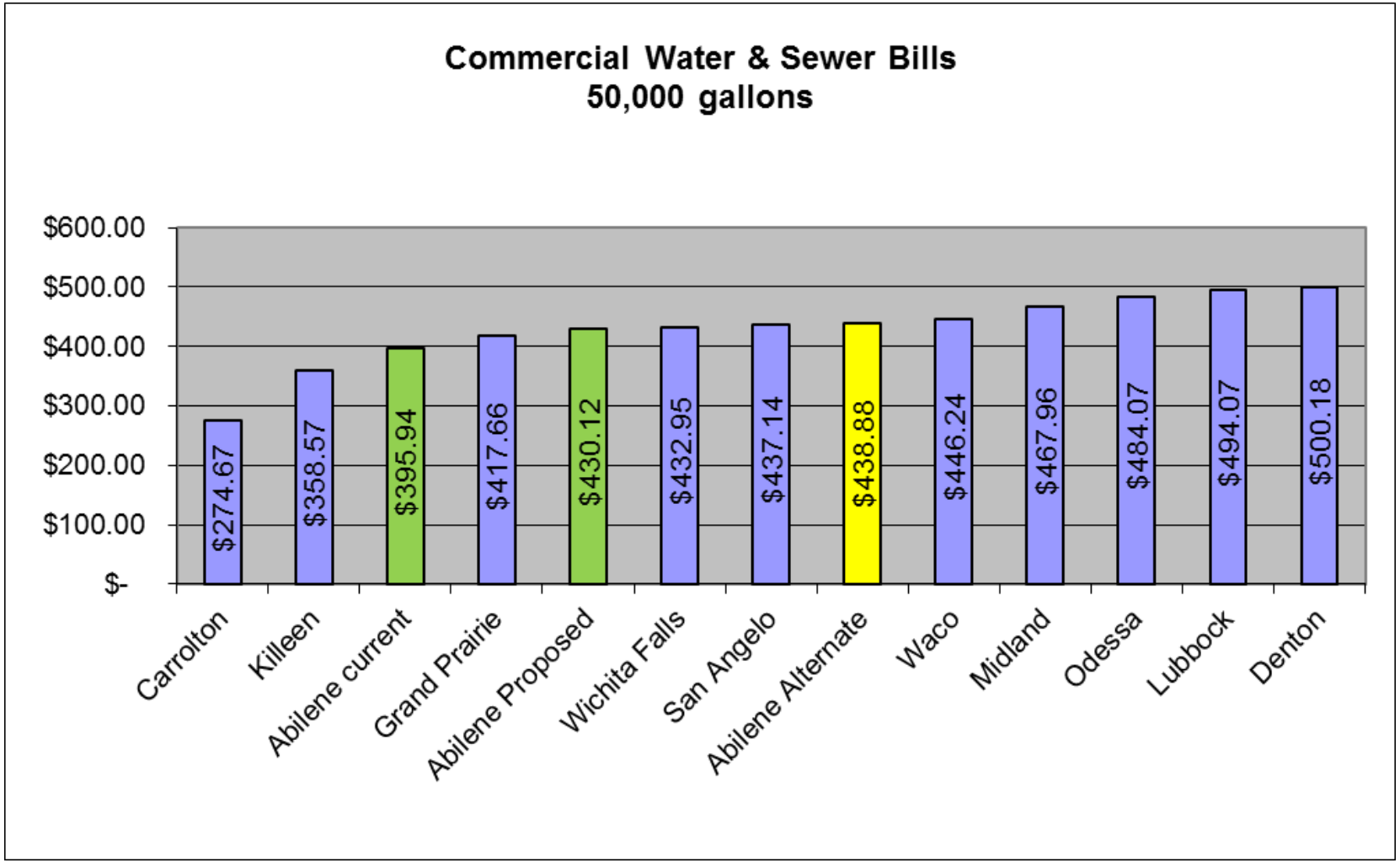
Customer	Customer Monthly Use (gallons/month)	2016 Monthly Water & Sewer Bill	FY2017 CIP Debt Service/O&M Adjustment	FY2017 Total Monthly Bill (Water & Sewer)
Residential	5,000	$53.00	$0.00	$53.00
	10,000	$83.79	$3.56	$87.35
Commercial 2" Meter	50,000	$395.94	$42.94	$438.88
	200,000	$1,357.44	$176.44	$1,533.88
Industrial				
Dyess AFB	15.5 million	$75,175.00	$9,300.00	$84,475.00
Coca-Cola	9.5 million	$40,570.75	$5,700.00	$46,270.75

Note: Costs shown only reflect the monthly cost for Water and Sewer on a monthly bill, and include the Ivie Fee. Monthly costs shown do not include charges for Solid Waste, Storm Water and Environmental.

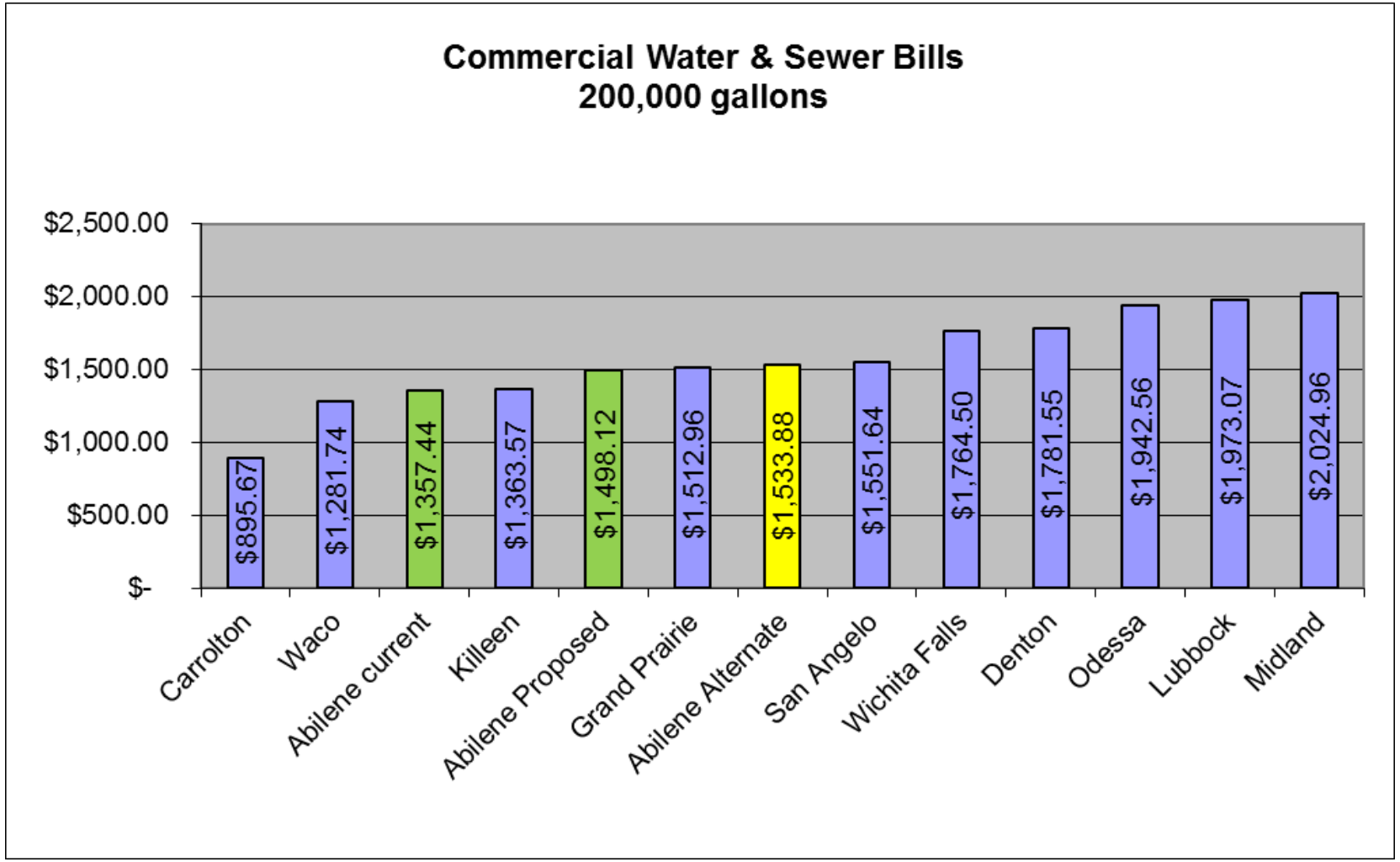
Item 7.11 - Revising Water Rates



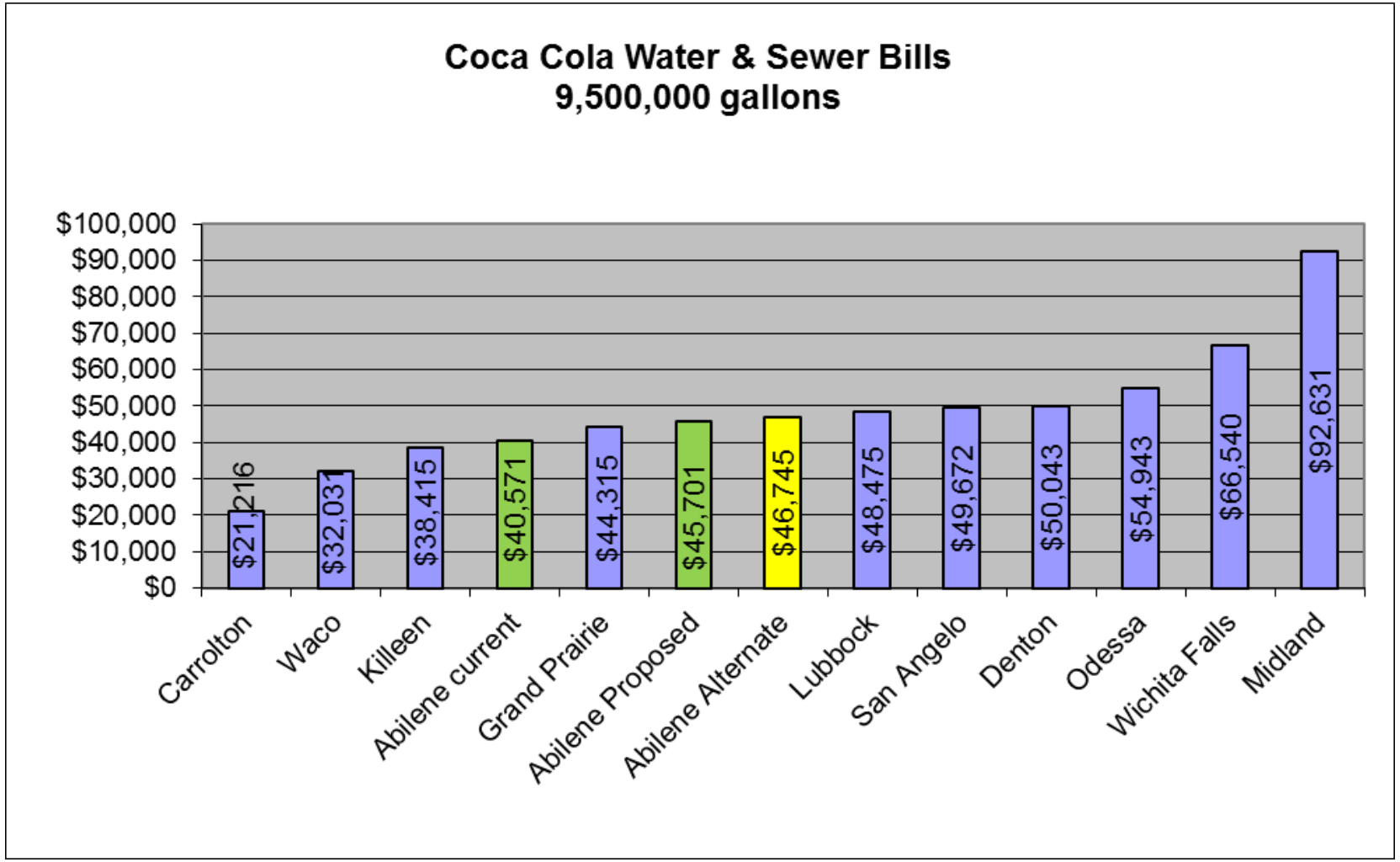
Item 7.11 - Revising Water Rates



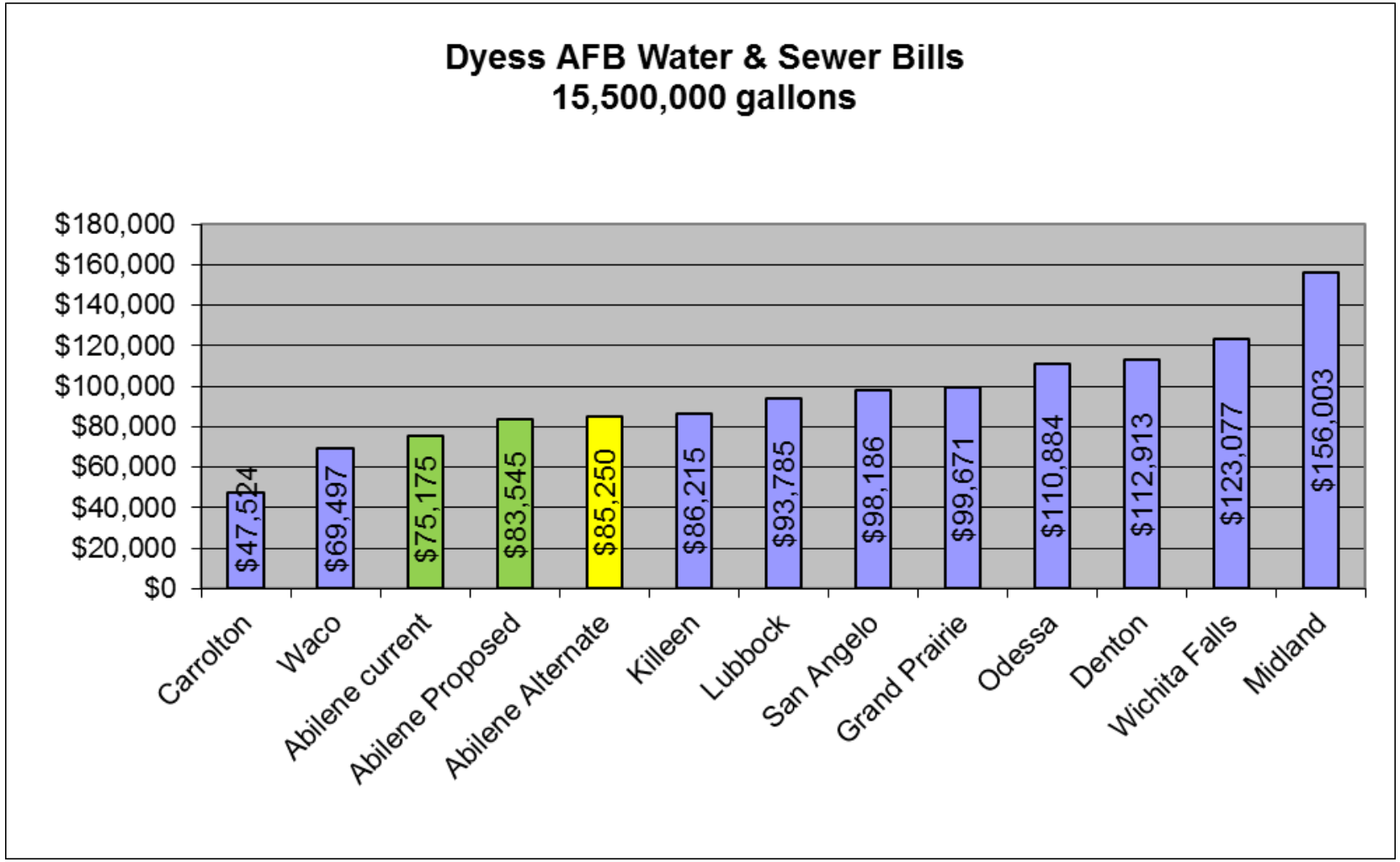
Item 7.11 - Revising Water Rates



Item 7.11 - Revising Water Rates



Item 7.11 - Revising Water Rates



Item 7.11 - Resolution Revising the Schedule of Rates and Charges for Water and Sewer Utility Service

QUESTIONS?

City Council
Agenda Memo

City Council Meeting Date: 8/11/2016

TO: **Mayor & City Council**

FROM: **Danette Dunlap, City Secretary**

SUBJECT: **Resolution: Appointing members to various boards and commissions per the City Charter. *(Dunlap)***

- ***MH/MR Board of Trustees - Betty Hardwick Center***

GENERAL INFORMATION

SPECIAL CONSIDERATIONS

FUNDING/FISCAL IMPACT

STAFF RECOMMENDATION

BOARD OR COMMISSION RECOMMENDATION

ATTACHMENTS:

Description	Type
Resolution	Resolution Letter
Exhibit A	Exhibit

RESOLUTION NO._____-2016

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, APPOINTING MEMBERS TO VARIOUS BOARDS AND COMMISSIONS AS REQUIRED BY THE CHARTER OF THE CITY OF ABILENE AND STATUES OF THE STATE OF TEXAS

WHEREAS, the Charter of the City of Abilene and the Statutes of the State of Texas require that certain Boards and Commissions be established with a portion of the memberships thereof to be filled by appointment each year; and

WHEREAS, the City Council is of the opinion that the following members should be appointed to the designated Boards and Commissions, and has requested the Mayor to appoint same with the approval of the Council.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS:

PART 1: That the list of Members is attached hereto as Exhibit A, shall be in all things, approved.

PART 2: That this resolution shall take effect immediately from and after its passage.

PASSED this 11th day of August, A.D. 2016.

ATTEST:

_____
Danette Dunlap, TRMC
City Secretary

_____
Norm Archibald
Mayor

APPROVED:

_____
Stanley Smith
City Attorney

RESOLUTION NO. _____-2016

EXHIBIT "A"

MH/MR Board of Trustees – Betty Hardwick

Member	New appointment of the following:
• Priscilla Rayford	August 2018